FEDERAL REGISTER

VOLUME 13 NUMBER 60

Washington, Friday, March 26, 1948

TITLE 3—THE PRESIDENT

PROCLAMATION 2773

ENLARGING THE FORT MATANZAS NATIONAL MONUMENT, FLORIDA

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS certain lands on Rattlesnake Island, located at the mouth of the Matanzas River in the State of Florida, have been donated to the United States for the extension of the Fort Matanzas National Monument; and

WHEREAS it appears that the public interest would be promoted by adding such lands and the remaining public lands comprising Rattlesnake Island to the Fort Matanzas National Monument in order to insure permanent protection to the Fort and its historic setting:

NOW THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, under and by virtue of the authority vested in me by section 2 of the act of June 8, 1906; 34 Stat. 225 (16 U. S. C. 431) do proclaim that, subject to valid existing rights, the following-described lands in Florida are hereby added to and reserved as a part of the Fort Matanzas National Monument:

TALLAHASSEE MERIDIAN, FLORIDA

Lots 2, 3, and 4, Sec. 24, T. 9 S., R. 30 E., containing 89.42 acres, which are unappropriated and unreserved public lands. Also all of the tidelands adjacent to Rattlesnake Island in Secs. 13, 14, 23, and 24, T. 9 S., R. 30 E., containing 120.0 acres, the same having been donated to the United States by the Trustees of the Internal Improvement Fund of the State of Florida by deed dated April 28, 1944, and recorded on March 19, 1945, in Deed Book 149, page 426, Public Records of St. Johns County, Florida, and by a deed of release dated August 26, 1947, and recorded on January 27, 1948, in Deed Book 171, page 478, Public Records of St. Johns County, Florida, which relinquished to the United States the mineral rights reserved in the aforementioned deed.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, deface, or remove any feature of this monument and not to locate or settle upon any of the lands reserved by this proclamation.

The Director of the National Park Service, under the direction of the Secretary of the Interior, shall have the supervision, management, and control of the monument as provided in the act of Congress entitled "An Act to Establish a National Park Service, and for other purposes," approved August 25, 1916 (39 Stat. 535; 16 U. S. C. 1, 2) and acts supplementary thereto or amendatory thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 24th day of March in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-2756; Filed, Mar. 25, 1948; 11:38 a. m.]

PROCLAMATION 2774

CANCER CONTROL MONTH, 1948

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS cancer is the second highest cause of death in this country, taking an annual toll of more than 180,000 lives; and

WHEREAS notable advances have been made in the diagnosis and treatment of this disease in recent years; and

WHEREAS a striking reduction in the number of cancer deaths can be achieved if people throughout the country take full advantage of our present knowledge concerning this affliction; and

WHEREAS a complete cancer-control program requires continued support of cancer research, improvement and expansion of facilities for the diagnosis and treatment of the disease, and educational measures to advance the knowledge of

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THE PRESIDENT

EXECUTIVE AGENCIES

FEDERAL REGISTER

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CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

the professional groups concerned as well as to inform the public of the nature of the malady and of ways of guarding against it; and

WHEREAS such a program calls for the combined efforts of the public and of all agencies, both public and private, concerned with the problem; and

WHEREAS by a joint resolution approved March 28, 1938 (52 Stat. 148) the Congress authorized and requested the President to issue annually a proclamation setting apart the month of April as Cancer Control Month:

NOW, THEREFORE, I, HARRY S. TRUMAN, President of the United States of America, do hereby set apart the month of April 1948 as Cancer Control Month; and I invite the Governors of the several States and the Territories and possessions of the United States to issue similar proclamations.

I also invite the medical profession, the press, the radio, the motion-picture industry, and all organizations and individuals interested in a national program for the control of cancer by education and other cooperative means to unite during the month of April in a concerted effort to impress upon the people of the Nation the vital importance to their health and to the welfare of the Nation of a program for the control of cancer and the necessity for their cooperation in such a program.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of March in the year of our Lord nineteen hundred and [SEAL] forty-eight, and of the Independence of the United States of America the one hundred and seventy-second.

HARRY S. TRUMAN

By the President:

G. C. MARSHALL,
Secretary of State.

[F. R. Doc. 48-2755; Filed, Mar. 25, 1948; 11:38 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter II—Production and Marketing Administration (Commodity Credit)

[Supp. Announcement 12]

PART 295—DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES FOR EXPORT

SUPPLEMENTAL ANNOUNCEMENT TO TERMS AND CONDITIONS OF COTTON SALES FOR EXPORT PROGRAM

The Terms and Conditions of Cotton Sales for Export Program dated April 22, 1946 (6 CFR, 1946 Supp.), is hereby further amended as follows:

1. Section 295.8 (f) (13 F R. 653) is amended to read as follows:

(f) The foreign purchaser must not use funds made available by the United States under the Foreign Aid Act of 1947 (Public Law 389, 80th Congress), or any other statute under which funds are made available for foreign aid purposes, to pay for such cotton, and any such funds must not be used to pay for such cotton under any subsequent resale of such cotton; if any such funds are used by the foreign purchaser of any subsequent purchaser to pay for such cotton, and the exporter has received a payment on such cotton hereunder, the exporter shall repay such payment to the Secretary. If such cotton is exported to a country which has obtained any such funds, the exporter must have submitted to the New Orleans Office a certified statement by an authorized representative of the Government agency of such country having control over the allocation of such funds that such funds have

not been used and will not be used by the foreign purchaser to pay for the cotton and that such funds have not been used and will not be used to pay for the cotton under any subsequent resale of the cotton.

2. Section 295.12 (d) (13 F. R. 653) is amended to read as follows:

(d) If satisfactory evidence of exportation of cotton prior to July 1, 1948, in fulfillment of an export sale is filed by an exporter within the period specified under § 295.10, the exporter shall not be liable for the payment of liquidated damages under this § 295.12 with respect to such cotton, even though such cotton is paid for by the foreign purchaser from funds made available under the Foreign Aid Act of 1947 or any other statute under which funds are made available for foreign aid purposes.

(Secs. 32, 2, 49 Stat. 774, 1151, as amended, sec. 203, 52 Stat. 38, 53 Stat. 975, sec. 41, 54 Stat. 627, sec. 34, 55 Stat. 407, sec. 21 (c) 58 Stat. 776; 7 U. S. C. and Sup. 612 (c) 50 U. S. C. App. Sup. 1630 (c))

Dated this 23d day of March 1948, 3:00 p. m., e. s. t.

[SEAL] JESSE B. GILMER,
President, Commodity Credit Corporation, Authorized Representative of Secretary of Agriculture.

[F. R. Doc. 48-2687; Filed, Mar. 25, 1948; 8:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4920]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

MINNEAPOLIS-HONEYWELL REGULATOR CO.

§ 3.39 *Dealing on exclusive and tying basis:* § 3.45 (c) *Discriminating in price—Direct discrimination—Charges and prices—"Off-scale" selling:* § 3.45 (e) *Discriminating in price—Indirect discrimination—Charges and prices—Periodic quantity purchase base—Schedules or brackets:* § 3.995 (a) *Using patents, rights or privileges unlawfully—Diverting trade in, or exploiting sale of, unpatented products, generally:* § 3.995 (a 5) *Using patents, rights or privileges unlawfully—Fixing resale price of unpatented part in patented combination system.* I. In connection with the offering for sale, sale, and distribution of automatic temperature controls and other furnace controls in commerce, as defined in the Federal Trade Commission Act, (1) selling or making any contract for the sale of automatic temperature controls on the condition, agreement, or understanding that the purchaser shall purchase as many limit controls as primary controls; (2) selling or making any contract for the sale of automatic temperature controls on the condition, agreement, or understanding that the purchaser thereof shall purchase 90 percent as many thermostats as primary controls; (3) entering into, continuing, or carrying out any agreement or understanding which requires a purchaser to buy any number of limit controls or thermostats with the purchase of respondent's primary controls; (4) licensing or otherwise authorizing the use of the furnace control system covered by the Cross Patent on the condition, agreement, or understanding that only automatic stoker switches manufactured or sold by the respondent shall be used in such combination; (5) licensing or otherwise authorizing the use of the furnace control system covered by the Freeman Patent on the condition, agreement, or understanding that the combination furnace control or any other control used in such system be sold at the price established by the respondent; or, (6) using any patent covering a system of furnace controls to require the purchase from respondent of any unpatented control used in said system or requiring the maintenance of prices established by the respondent for any such unpatented control; and, II, in connection with the sale or the making of any contract for the sale of automatic temperature controls or other furnace controls in commerce, as defined in the Clayton Act, selling or making any contract for the sale of primary controls on the condition, agreement, or understanding that the purchaser thereof shall not use with such primary controls any limit controls or thermostats other than those acquired from respondent or from some source authorized by respondent; and, III, in the sale of automatic temperature controls or other furnace controls in commerce, as defined in said act, discriminating, directly or indirectly, in the price of such products of like grade and quality as among oil-burner manufacturers purchasing said automatic temperature controls and other furnace controls, by selling such controls to some oil-burner manufacturers at prices materially different from the prices charged other oil-burner manufacturers who in fact compete in the sale and distribution of such furnace controls, when the differences in price are not justified by differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such products are sold or delivered; prohibited, subject to the provision, however, as respects prohibition (3) of part I of the order, that "nothing herein contained shall prohibit the respondent from selling its automatic temperature controls in sets at a specified price per set." (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b; sec. 2 (a) 49 Stat. 1526; 15 U. S. C., sec. 13 (a), sec. 3, 38 Stat. 731; 15 U. S. C., sec. 14) [Cease and desist order, Minneapolis-Honeywell Regulator Company, Docket 4920, January 14, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 14th day of January A. D. 1948.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act and has violated the provisions of section 3 of that certain act of Congress of the United States entitled "An act to supplement existing laws, against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, commonly known as the Clayton Act, and subsection (a) of section 2 of said Clayton Act as amended by an act of Congress approved June 19, 1936, commonly known as the Robinson-Patman Act:

I. *It is ordered,* That the respondent, Minneapolis-Honeywell Regulator Company, a corporation, and its officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the offering for sale, sale, and distribution of automatic temperature controls and other furnace controls in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or making any contract for the sale of automatic temperature controls on the condition, agreement, or understanding that the purchaser shall purchase as many limit controls as primary controls.

2. Selling or making any contract for the sale of automatic temperature controls on the condition, agreement, or understanding that the purchaser thereof shall purchase 90 percent as many thermostats as primary controls.

3. Entering into, continuing, or carrying out any agreement or understanding which requires a purchaser to buy any number of limit controls or thermostats with the purchase of respondent's primary controls: *Provided, however* That nothing herein contained shall prohibit the respondent from selling its automatic temperature controls in sets at a specified price per set.

4. Licensing or otherwise authorizing the use of the furnace control system covered by the Cross Patent on the condition, agreement, or understanding that only automatic stoker switches manufactured or sold by the respondent shall be used in such combination.

5. Licensing or otherwise authorizing the use of the furnace control system covered by the Freeman Patent on the condition, agreement, or understanding that the combination furnace control or any other control used in such system be sold at the price established by the respondent.

6. Using any patent covering a system of furnace controls to require the purchase from respondent of any unpatented control used in said system or requiring the maintenance of prices established by the respondent for any such unpatented control.

II. *It is further ordered,* That the respondent, Minneapolis-Honeywell Regulator Company, a corporation, and its

officers, agents, representatives, and employees, directly or through any corporate or other device in connection with the sale or the making of any contract for the sale of automatic temperature controls or other furnace controls in commerce as "commerce" is defined in that act of Congress entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914 (Clayton Act) do forthwith cease and desist from:

1. Selling or making any contract for the sale of primary controls on the condition, agreement, or understanding that the purchaser thereof shall not use with such primary controls any limit controls or thermostats other than those acquired from respondent or from some source authorized by respondent.

III. *It is further ordered,* That respondent, Minneapolis-Honeywell Regulator Company, a corporation, and its officers, representatives, agents, and employees, directly or through any corporate or other device in the sale of automatic temperature controls or other furnace controls in commerce as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from discriminating, directly or indirectly, in the price of such products of like grade and quality as among oil-burner manufacturers purchasing said automatic temperature controls and other furnace controls:

1. By selling such controls to some oil-burner manufacturers at prices materially different from the prices charged other oil-burner manufacturers who in fact compete in the sale and distribution of such furnace controls, when the differences in price are not justified by differences in the cost of manufacture, sale, or delivery resulting from differing methods or quantities in which such products are sold or deliyered.

IV *It is further ordered,* That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-2699; Filed, Mar. 25, 1948; 8:46 a. m.]

[Docket No. 5288]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

FRANK L. SINGER FUR CO.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Organization and operation.* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size and extent:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Organization and operation.* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Size, extent or equipment.* In connection with the offering to purchase, purchase, and shipment of fur skins, furs, or fur products in commerce, representing, directly or by implication, that respondent has or maintains receiving depots or other places of business, however designated, anywhere in the United States other than at Peekskill, New York, unless it is clearly stated in immediate connection with such representation that all grading of, pricing of, and payment for furs is done exclusively by respondent at his office and place of business at Peekskill, New York, and that such other places are not branch offices thereof; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., sec. 45b) [Cease and desist order, Frank L. Singer Fur Company, Docket 5288, January 26, 1948]

At a regular session of the Federal Trade Commission, held at its office in the city of Washington, D. C., on the 26th day of January A. D. 1948.

In the Matter of Frank L. Singer an Individual Trading as Frank L. Singer Fur Company

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, answer of the respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before a trial examiner of the Commission theretofore duly designated by it, recommended decision of the trial examiner, and briefs filed in support of the complaint and in opposition thereto, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Frank L. Singer, individually and trading as Frank L. Singer Fur Company or trading under any other name, and his representatives, agents, and employees, directly or through any corporate or other device in connection with the offering to purchase, purchase, and shipment of fur skins, furs, or fur products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that respondent has or maintains receiving depots or other places of business, however designated, anywhere in the United States other than at Peekskill, New York, unless it is clearly stated in immediate connection with such representation that all grading of, pricing of, and payment for furs is done exclusivly by respondent at his office and place of business at Peekskill, New York, and that such other places are not branch offices thereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 48-2684; Filed, Mar. 25, 1948; 8:48 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

Subchapter C—The Foreign Service

[Foreign Service Reg. S-46]

PART 102—PERSONNEL ADMINISTRATION

RESTRICTIONS ON BUSINESS ACTIVITIES ABROAD

Under authority contained in R. S. 161 (5 U. S. C. 22), and pursuant to sections 302 and 1003 of the Foreign Service Act of 1946 (60 Stat. 1001, 1030), Title 22 of the Code of Federal Regulations, Part 102, § 102.808 (12 F. R. 918), paragraph (a) is amended by the addition of the following subparagraph (10)

§ 102.808 *Restrictions on business activities abroad.* (a) * * *

(10) The sale or barter of personal property involving excessive profits or unwarranted value, abnormally frequent or voluminous sales, or sales after extremely brief ownership unless, in any of the above cases, the transaction has been approved in writing by the principal or supervising officer, or in cases where there is no supervising officer, the Department.

(R. S. 161, secs. 302, 1003, 60 Stat. 1001, 1030; 5 U. S. C., 22)

This regulation shall become effective immediately upon publication in the FEDERAL REGISTER.

Issued: March 18, 1948.

For the Secretary of State.

[SEAL] JOHN E. PEURIFOY, *Assistant Secretary.*

[F. R. Doc. 48-2688; Filed, Mar. 25, 1948; 8:51 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, Department of the Army

PART 203—BRIDGE REGULATIONS

BLACK RIVER AT PAROQUET, ARKANSAS

Pursuant to the provisions of section 5 of the River and Harbor Act of August 18, 1894 (28 Stat. 362; 33 U. S. C. 499), § 203.556 (13 F. R. 175), governing the operation of bridges across the Mississippi River and its navigable tributaries and outlets where constant attendance of draw tenders is not required, is hereby amended by adding to paragraph (f) thereof a subparagraph relating to the Missouri Pacific Railroad Company bridge across Black River at Paroquet, Arkansas, as follows:

§ 203.556 *Mississippi River and its navigable tributaries and outlets; bridges where constant attendance of draw tenders is not required.* * * *

(f) The bridges to which this section applies, and the advance notice required in each case, are as follows:

* * * * *

Black River, Ark., Missouri Pacific Railroad Company bridge at Paroquet, Ark. (At least 24 hours' advance notice required; to be given to the station agent of the Missouri Pacific Railroad Com-

pany at Newport, Arkansas, or to the draw tender on duty at the bridge. Whenever any vessel passing through the bridge intends to return through it within 24 hours and informs the draw tender of the probable time of its return, the draw shall be opened promptly on signal for the passage of the vessel on its return trip without any further notice.)

[Regs. Mar. 5, 1948, CE 823 (Black River-Paroquet, Ark.)—ENGWR] (28 Stat. 362; 33 U. S. C. 499)

[SEAL] EDWARD F WITSELL,
Major General,
The Adjutant General.

[F. R. Doc. 48-2685; Filed, Mar. 25, 1948; 8:48 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter I—National Park Service, Department of the Interior

PART 1—AREAS ADMINISTERED BY THE NATIONAL PARK SERVICE

FLORIDA

CROSS REFERENCE: For enlargement of the area of Fort Matanzas National Monument, Florida, by the addition of public lands comprising Rattlesnake Island, see Proclamation 2773, *supra,* which order affects the tabulation contained in § 1.4.

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 12—TREATMENT OF MAIL MATTER AT RECEIVING OFFICES

FORWARDING OF MAIL MATTER; GENERAL PROVISIONS

Section 12.5 (e), Part 12, Chapter I, Title 39, Code of Federal Regulations, as amended (39 CFR 1946 Supp.), is further amended to read as follows:

§ 12.5 *General provisions.* * * *

(e) (1) When the sender of ordinary mail of the third and fourth classes desires to be notified in cases where the matter is forwarded to the addressee at a new address, he may indicate that fact on the matter itself in such manner as may be prescribed by the Third Assistant Postmaster General, Division of Letter and Miscellaneous Mail, in which case the postmaster at the forwarding office shall furnish the information, including the address to which the matter is forwarded, on card Form 3547, for which a postage charge of 2 cents shall be collected upon delivery of the card notice to the sender of the forwarded mail.

NOTE: This regulation applies only to third- and fourth-class matter sent out in the regular course of business for purposes other than obtaining the address of the persons to whom the matter is sent.

(2) The sender's request for the notice on Form 3547, which applies only to matter of the third and fourth classes, should be printed in the lower left corner of the address side of the matter. The request should show the particular kind of service desired, as indicated in the following examples, and each mailer should use the one which will best serve his particular purpose:

(i) Postmaster: If addressee has removed and new address is known, notify sender on Form 3547.

(ii) Postmaster: If addressee has moved and new address is known, notify sender on Form 3547. In case of removal to another post office, do not notify the addressee, but hold the matter and state on Form 3547 amount of forwarding postage required, which sender will promptly furnish.

(iii) Postmaster: If undeliverable for any reason, notify sender, stating reason, on Form 3547.

(iv) Postmaster: If undeliverable for any reason, notify sender, stating reason, on Form 3547. In case of removal to another post office, do not notify the addressee, but hold the matter and state on Form 3547 amount of forwarding postage required, which sender will promptly furnish.

(3) It is contemplated that the notice on Form 3547 will be furnished in case of a local change from one point to another in the same city as well as a change to another post office. Where a delivery unit number is applicable, such number should be given on the form. If the sender, in addition to being notified on Form 3547 in the case of removal of the addressee, desires that the matter be immediately forwarded to the new address and not held until forwarding postage is furnished, he may place the words "Forwarding Postage Guaranteed" under the return card in the upper left corner of the address side, as prescribed by § 12.36 (a) (2) in which case the matter will be forwarded and the forwarding postage collected on delivery.

(4) Where the request for Form 3547 follows either of the examples in subdivisions (i) or (ii) of subparagraph (2), the matter may also bear a return postage guarantee in the upper left corner in connection with the return card. As this will result in some cases in the return of undeliverable matter, and also a notice on Form 3547 with respect thereto, senders who do not desire both may omit the pledge to pay return postage from the upper left corner and in lieu thereof add the following to the request for Form 3547 in the lower left corner: "If Form 3547 is not sent, return the undeliverable matter. Return Postage Guaranteed."

(5) In cases where the request follows either of the arrangements shown in examples in subdivisions (iii) and (iv) of subparagraph (2) it is not contemplated that the matter shall bear a request for its return or a return postage guarantee, so that the matter, if not forwardable to the addressee, may be destroyed or otherwise disposed of as provided by the postal laws and regulations.

(6) Postmasters should use care in filling out notices on Form 3547 in order that they will be legible and accurate. When the matter bears a request similar to examples in subdivisions (i) and (ii) of subparagraph (2), Form 3547 should be filled out as called for by the printing thereon. When the matter bears a request like examples in subdivisions (iii) or (iv) of subparagraph (2), and the new addressee is not known or the matter is undeliverable for some reason other than removal, postmasters should show the actual reason clearly by writing or handstamping the words "Moved—Left No Address," "No such address," "Unknown," "Deceased," "Refused," "Unclaimed," or other reason in the blank line ordinarily used to show the new address on Form 3547. (See § 12.37.)

(7) The identifying key number, letter, or symbol, when used by mailers in connection with the address on their mail, should be furnished on Form 3547. This complete information is essential to enable the mailers to correct their mailing lists.

(8) When catalogs or other articles of the third or fourth class bear both a request for notice on Form 3547, and a pledge to pay return postage if undeliverable, the undeliverable matter upon being returned should be indorsed "Form 3547 sent" if that is the case.

(9) It should be clearly understood that the foregoing provisions for furnishing Form 3547 apply only to third- and fourth-class matter sent out in the regular course of business for purposes other than obtaining the address of the person to whom the matter is sent. The facility may not be used on first-class matter, nor in connection with mail matter sent out primarily for the purpose of collecting past-due accounts.

(Sec. 4, 30 Stat. 444, sec. 9, 32 Stat. 1176, 41 Stat. 360; 39 U. S. C. 276)

Dated: March 18, 1948.

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-2632; Filed, Mar. 25, 1948; 8:50 a. m.]

PART 17—MONEY ORDER SYSTEM

PAYMENT OF POSTAL NOTES WITHOUT PAYING OFFICE COUPONS

Effective at once, paragraph (v) of § 17.1a (39 CFR, 1946 Supp., 12 F. R. 6666) is amended to read as follows:

§ 17.1a *Postal notes.* * * *

(v) *Loss of paying office coupons.* When the paying office coupon, to which postal note stamps were affixed, has become detached and lost, the paying postmaster is authorized to make full payment on presentation of the postal note.

(R. S. 161, 396, secs. 304, 42 Stat. 24, 25, 53 Stat. 508; 5 U. S. C. 22, 369; 39 U. S. C., Sup. 738)

Dated: March 18, 1948.

J. M. DONALDSON,
Postmaster General.

[F. R. Doc. 48-2633; Filed, Mar. 25, 1948; 8:50 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR, Part 52]

UNITED STATES STANDARDS FOR GRADES OF CUCUMBER PICKLES[1]

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given, pursuant to the authority contained in the Department of Agriculture Appropriation Act, 1948 (Pub. Law 266, 80th Cong., 1st Sess., approved July 30, 1947) that the United States Department of Agriculture is considering the issuance, as hereinafter proposed, of United States Standards for Grades of Cucumber Pickles. These standards, if made effective, will be the first issue by the Department for this product.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards shall file the same in quadruplicate with the Hearing Clerk, United States Department of Agriculture, Room 1844 South Building, Washington 25, D. C., not later than 30 days after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

§ 52.558 *Cucumber pickles.* Cucumber pickles means the pickled product prepared from immature cucumbers (Cucumis Sativus) which have been cured by natural fermentation in a solution of common salt with or without the addition of dill herbs and processed or preserved in a liquid packing medium which may be seasoned with sugar or a mixture of sugar and dextrose (refined corn sugar), salt, a vinegar or vinegars, spices or flavoring or both, and onions or garlic or both, and with or without other seasoning or flavoring ingredients to give the product the flavor and characteristics of the respective type. Cucumber pickles may be processed or preserved with or without the addition of other pickled vegetables which have been cured as aforesaid.

(a) *Styles of cucumber pickles.* (1) "Whole" or "whole pickles" means cucumber pickles consisting of whole cucumbers.

(2) "Cross cut" or "cross cut pickles" means cucumber pickles that have been cut at right angles to the longitudinal axis into units of approximately equal thickness.

(3) "Slices" or "sliced pickles" means cucumber pickles that have been cut longitudinally into halves, quarters, or eighths, or into units with parallel surfaces.

(4) "Cut" or "cut pickles" means cucumber pickles (i) which are not uniform in size or shape or (ii) which do not conform to any of the foregoing styles.

(5) "Finely cut" or "finely chopped pickles" means cucumber pickles which have been finely cut or finely chopped by grinding.

(6) "Unit" means an individual cucumber pickle or pickle ingredient or portion of either in cucumber pickles.

(b) *Grades of cucumber pickles.* (1) "U. S. Grade A" or "U. S. Fancy" is the quality of cucumber pickles that possess: a practically uniform bright typical color; are practically free from defects; possess a good texture; possess a normal flavor and normal odor; and are of such quality with respect to uniformity of size and shape as to score not less than 85 points when scored in accordance with the scoring system outlined in this section.

(2) "U. S. Grade C" or "U. S. Standard" is the quality of cucumber pickles that possess: a fairly uniform typical color; are fairly free from defects; possess a fairly good texture; possess a normal flavor and normal odor; and are of such quality with respect to uniformity of size and shape as to score not less than 70 points when scored in accordance with the scoring system outlined in this section.

(3) "U. S. Grade D" or "Substandard" is the quality of cucumber pickles that fail to meet the requirements of U. S. Grade C or U. S. Standard.

(c) *Types of cucumber pickles.* The type of cucumber pickles is not incorporated in the grades of the finished product, since type of cucumber pickles is not a factor of quality for the purpose of these grades. The type of cucumber pickles is dependent upon the method of preparation and processing. Cucumber pickles are usually prepared and processed as any one of the following types:

(1) "Dills" or "dill pickles" are of two classifications:

(i) Genuine dills or genuine dill pickles consist of cucumber pickles cured by natural fermentation in a solution of common salt with dill herbs and/or dill flavoring in a liquid packing medium, with or without additional spices, spice flavorings, or other seasoning or flavoring ingredients. Dill herb and other herbs may be added. The packing medium contains not less than 0.6 gram acid (calculated as lactic) per 100 milliliters.

(ii) Processed dills or processed dill pickles consist of cucumber pickles in a liquid packing medium containing dill flavored brine, a vinegar or vinegars, spices, spice flavoring, or other seasoning or flavoring ingredients. Dill herb and other herbs may be added. The packing medium contains not less than 0.6 gram of acid (calculated as acetic) per 100 milliliters.

(2) "Sour pickles" consist of sour cucumber pickles in a liquid packing medium to which has been added salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. The packing medium contains not less than 1.4 grams acid (calculated as acetic) per 100 milliliters nor more than 2.4 grams acid (calculated as acetic) per 100 milliliters.

(3) "Sweet pickles" consist of sweet cucumber pickles in a liquid packing medium to which has been added sugar or a mixture of sugar and dextrose (refined corn sugar) salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. The packing medium contains not more than 2.5 percent salt.

(4) "Mixed pickles" consist of mixed cucumber pickles which may be of any of the foregoing styles except finely cut or finely chopped cucumber pickles to which has been added onions and cut cauliflower with or without the addition of red peppers, pimientos, or pieces of red peppers or pimientos in a liquor packing medium with or without the addition of sugar or a mixture of sugar and dextrose (refined corn sugar) salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients. Mixed pickles usually contain ingredients in the following proportions:

	Percent by weight
Cucumbers	60 to 80
Cauliflower	10 to 30
Onions	5 to 10
Red peppers or pimientos	Optional ingredient

Mixed pickles are of two classifications:

(i) Sour mixed pickles consist of mixed cucumber pickles in a liquid packing medium to which has been added salt, a vinegar or vinegars, with or without the addition of spices, spice flavoring, or other seasoning or flavoring ingredients. The packing medium contains not less than 1.4 grams acid (calculated as acetic) per 100 milliliters or more than 2.4 grams acid (calculated as acetic) per 100 milliliters.

(ii) Sweet mixed pickles consist of mixed cucumber pickles in a liquid packing medium to which has been added salt, a vinegar or vinegars, sugar or a mixture of sugar and dextrose (refined corn sugar) with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients. The packing medium may contain not more than 2.5 percent salt.

(5) "Chow chow" consists of chow chow cucumber pickles which may be of any of the foregoing styles, except finely cut or finely chopped cucumber pickles, to which has been added onions and cut cauliflower, with or without the addition of red peppers or pimientos, or pieces of red peppers or pimientos, in a sauce of proper consistency, with or without the addition of sugar or a mixture of sugar and dextrose (refined corn sugar), salt, a vinegar or vinegars, and mustard, with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients. Chow chow usually con-

[1] The requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

tains ingredients in the following proportions:

	Percent by weight
Cucumbers	60 to 80
Cauliflower	10 to 30
Onions	5 to 10
Red peppers or pimientos	Optional ingredient

Chow chow is of two classifications:

(i) Sour chow chow consists of chow chow cucumber pickles in a sauce of proper consistency, to which has been added salt, a vinegar or vinegars, and mustard, with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients.

(ii) Sweet chow chow consists of chow chow cucumber pickles in a sauce of proper consistency, to which has been added salt, a vinegar or vinegars, mustard, sugar or a mixture of sugar and dextrose (refined corn sugar) with or without the addition of spices, spice flavoring, and other seasoning or flavoring ingredients.

(6) "Sweet pickle relish" consists of finely cut or finely chopped sweet cucumber pickle relish, to which has been added cauliflower, onions, with or without the addition of green tomatoes, red peppers or pimientos, in a liquid packing medium with the addition of salt, a vinegar or vinegars, sugar or a mixture of sugar and dextrose (refined corn sugar) with or without the addition of spices, spice flavoring and other seasoning or flavoring ingredients. Sweet pickle relish usually contains ingredients in the following proportions:

	Percent by weight
Cucumbers	60 to 80
Cauliflower	10 to 30
Onions	5 to 10
Green tomatoes	(1)
Red peppers or pimientos	Optional ingredient

[1] Optional—not to exceed 10% by weight may be used in lieu of equal quantities of cauliflower.

The packing medium may contain not more than 2.5 percent salt.

(d) *Recommended fill of container.* The recommended fill of container is not incorporated in the grades of the finished product since the fill of container as such is not a factor of quality for the purpose of these grades. It is recommended that each container of cucumber pickles be filled as full as practicable without impairment of quality, that the product be entirely covered with the packing medium and that the produce and packing medium occupy not less than 90 percent of the total capacity of the container.

(e) *Recommended minimum drained weight.* The minimum drained weight recommendations in Table I are not incorporated in the grades of the finished product since drained weight, as such, is not a factor of quality for the purpose of these grades.

The drained weight of all types of cucumber pickles except chow chow pickles is determined by emptying the contents of the container upon a circular sieve of proper diameter, containing 8 meshes to the inch (0.097-inch square openings) and allowing to drain for two minutes. A sieve 8 inches in diameter is used for containers one-quart size or less and a sieve 12 inches in diameter is used for containers or samples larger than one-quart size.

TABLE I—RECOMMENDED MINIMUM DRAINED WEIGHTS, IN OUNCES, OF PICKLES

Container size or designation	Sour whole, cut, mixed, and dill pickles	Sweet whole, cut, and mixed pickles	Sweet pickle relish
Pint (16 ounces)	----------	11	14
Quart (32 ounces)	17	22	23
Gallon (128 ounces)	65	89	112
No. 2½ can	17	21	23½
No. 10 can	72	70	94
No. 12 can	65	89	112

(f) *Sizes of cucumber pickles in whole cucumber pickles.* The size of any whole cucumber pickle is determined by measuring the shortest diameter transverse to the longitudinal axis at the thickest portion of the pickle and by measuring the distance from stem to blossom end.

(g) *Sizes of cross cut in cross cut cucumber pickles.* The size of any cross cut in cross cut cucumber pickle is determined by measuring the shortest diameter of the surfaces of the unit.

(h) *Sizes of slices in sliced cucumber pickles.* The size of any slice in sliced cucumber pickles is determined by measuring the longest distance parallel to the longitudinal axis.

(i) *Ascertaining the grade.* (1) The grade of cucumber pickles may be ascertained by considering, in addition to the foregoing requirements of the respective grade, the following factors: Color, uniformity of size and shape, absence of defects, and texture. The relative importance of each factor is expressed numerically on a scale of 100. The maximum number of points that may be given for each factor is:

	Points
(i) Color	20
(ii) Uniformity of size and shape	20
(iii) Absence of defects	30
(iv) Texture	30
Total	100

(2) "Normal flavor and normal odor" means that the cucumber pickles are free from objectionable flavors and objectionable odors of any kind.

(j) *Ascertaining the rating of each factor.* The essential variations within each factor are so described that the value may be ascertained for each factor and expressed numerically. The numerical range within each factor is inclusive (for example, "16 to 20 points" means 16, 17, 18, 19, or 20 points)

(1) *Color.* (i) Cucumber pickles that possess a practically uniform bright typical color may be given a score of 16 to 20 points. "Practically uniform bright typical color" means that the skin of the cucumber ingredient is practically free from bleached areas; that the skin of not more than 10 percent by weight of the cucumber ingredient may vary markedly from a bright, typical yellow-green to green color; and that in mixed pickles, chow chow pickles and pickle relish, all of the pickle ingredients possess a practically uniform bright typical color for the respective ingredient.

(ii) If the cucumber pickles possess a fairly uniform typical color, a score of 13 to 15 points may be given. Cucumber pickles that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule). "Fairly uniform typical color" means that the skin of the cucumber ingredient is fairly free from bleached areas; that the skin of not more than 25 percent by weight of the cucumber ingredient may vary markedly from a typical yellow-green to green color; and that in mixed pickles, chow chow pickles and pickle relish all of the pickle ingredients possess a fairly uniform typical color for the respective ingredient.

(iii) Cucumber pickles that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 12 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule).

(2) *Uniformity of size and shape.* (i) Cucumber pickles that are practically uniform in size and shape may be given a score of 17 to 20 points. "Practically uniform in size and shape" has the following meanings with respect to the various styles of cucumber pickles:

(a) *Whole pickles.* The pickles may vary moderately in size and shape and the diameter of the largest pickle, measured as aforesaid, does not exceed the diameter of the smallest pickle by more than 50 percent of the diameter of the smallest pickle.

(b) *Cross cut pickles.* The individual cross cut unit is not less than 5/16 inch nor more than ⅞ inch in thickness when measured at the thickest portion, and the diameter of the largest cross cut unit, measured as aforesaid, is not more than 2 inches in diameter and the largest unit does not exceed the diameter of the smallest unit by more than 50 percent of the diameter of the smallest unit.

(c) *Sliced pickles.* The slices may vary moderately in size and shape and the length of the longest slice, measured as aforesaid, does not exceed the length of the shortest slice by more than 50 percent of the length of the shortest slice. When sliced with parallel surfaces, the unit is not less than 5/16 inch nor more than ⅞ inch in thickness when measured at the thickest portion.

(d) *Cut pickles.* The weight of the largest unit does not exceed the weight of the smallest unit by more than four times the weight of the smallest unit. An occasional unit which is not representative of the general size of all the units of a respective pickle ingredient is excluded in determining size variation.

(e) *Finely cut or finely chopped pickles.* The pickle ingredients have been finely cut or chopped into units which may vary moderately in size.

(ii) If the pickles are fairly uniform in size and shape, a score of 13 to 16 points may be given. "Fairly uniform in size and shape" has the following meanings with respect to the various styles of cucumber pickles.

(a) *Whole pickles.* The pickles may vary considerably in size and shape and the diameter of the largest pickle,

measured as aforesaid, is not more than twice the diameter of the smallest pickle.

(b) *Cross cut pickles.* The individual cross cut unit is not less than 3/16 inch nor more than 3/8 inch in thickness when measured at the thickest portion and the diameter of the largest cross cut unit, measured as aforesaid, is not more than two inches in diameter and the largest unit is not more than twice the diameter of the smallest unit.

(c) *Sliced pickles.* The slices may vary considerably in size and shape and the length of the longest slice is not more than twice the length of the shortest slice. When sliced with parallel surfaces the unit is not less than 3/16 inch nor more than 3/8 inch in thickness when measured at the thickest portion.

(d) *Cut pickles.* The largest unit weighs not more than twelve times the weight of the smallest unit. An occasional unit which is not representative of the general size of all the units of a respective pickle ingredient is excluded in determining size variation.

(e) *Finely cut or finely chopped pickles.* The pickle ingredients have been finely cut or chopped into units which may vary considerably in size.

(iii) Cucumber pickles that fail to meet the requirements of subdivision (ii) of this subparagraph may be given a score of 0 to 12 points and shall not be graded above U. S. Grade C or U. S. Standard, regardless of the total score for the product (this is a limiting rule)

(3) *Absence of defects.* (i) The factor of absence of defects refers to the degree of freedom from grit, sand, or silt; from curved pickles, markedly off-shaped pickles, and cuts, units damaged by mechanical injury, units blemished by brown or black discoloration, by scars, pathological injury or insect injury and units blemished by other means.

(a) "Curved pickles" are whole pickles that are slightly curved or very curved.

(1) "Slightly curved" pickles are pickles that are curved at an angle of not more than 20 degrees, and

(2) "Very curved" pickles are pickles that are curved at an angle of more than 20 degrees but not more than 60 degrees.

(b) "Markedly off-shaped" pickles are pickles that are curved at more than a 60 degree angle, "nubbins" and other misshapen pickles.

(c) "Grit, sand, or silt" means any particle of earthy material whether in the liquid packing medium or imbedded in the skin or flesh of the pickle.

(d) "Blemished unit" means any unit in which the aggregate area affected exceeds the area of a circle 1/4 inch in diameter.

(e) "Seriously blemished" means blemished to such an extent that the appearance or eating quality of the unit is seriously affected.

(f) "Damaged by mechanical injury" means crushed or broken units or units damaged by other means to such an extent that the appearance or eating quality of the unit is seriously affected.

(g) "End cut" or "end cuts" means the first portion of a whole pickle obtained in the preparation of cross cut pickles.

(ii) Cucumber pickles that are practically free from defects may be given a score of 26 to 30 points. "Practically free from defects" means that the product contains no grit, sand, or silt that affects the eating quality or appearance of the product and that:

Not more than 20 percent by count of all the pickles in whole pickles may consist of curved pickles and of such 20 percent not more than 1/4 thereof may consist of very curved pickles;

Not more than 5 percent by count of all the pickles in whole pickles may consist of markedly off-shaped pickles;

Not more than 20 percent by count of all the pickles in whole pickles may have attached stems, and of such 20 percent not more than one-half thereof may have attached stems that exceed one-fourth inch in length but are not longer than one-half inch;

Not more than 10 percent by count of all the units may be blemished units, and of such 10 percent not more than one-half thereof may consist of seriously blemished units;

Not more than 5 percent by weight of all the units may be end cuts in cross cut pickles; and

Not more than 10 percent by count of all the units may be damaged by mechanical injury.

(iii) If the cucumber pickles are fairly free from defects a score of 22 to 25 points may be given. Cucumber pickles that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule) "Fairly free from defects" means that the product may contain a trace of grit, sand, or silt that does not materially affect the eating quality or appearance of the product and that:

Not more than 35 percent by count of all the pickles in whole pickles may consist of curved pickles and of such 35 percent not more than three-sevenths thereof may consist of very curved pickles;

Not more than 10 percent by count of all the pickles in whole pickles may consist of markedly off-shaped pickles;

Not more than 35 percent by count of all the pickles in whole pickles may have attached stems and of such 35 percent not more than four-sevenths thereof may have attached stems that exceed one-fourth inch in length but are not longer than one-half inch;

Not more than 20 percent by count of all the units may be blemished units and of such 20 percent not more than one-half thereof may consist of seriously blemished units;

Not more than 15 percent by weight of all the units may be end cuts in cross cut pickles, and

Not more than 25 percent by count of all the units may be damaged by mechanical injury.

(iv) Cucumber pickles that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard regardless of the total score for the product (this is a limiting rule)

(4) *Texture.* (i) The factor of texture refers to the firmness, crispness, and the condition of the cucumber pickles.

(ii) Cucumber pickles that possess a good texture may be given a score of 26 to 30 points. "Good texture" means that the cucumber pickles are firm and crisp for the respective style or type of pack, are practically free from seedy pickles, and that:

Not more than 10 percent by count of all the units in cucumber pickles may be slightly shriveled, soft, or slippery;

Not more than 10 percent by count of all the units in cucumber pickles may be hollow pickles, and

Not more than 10 percent by count of all the units in cucumber pickles may have chalky white centers exceeding 1/3 of the diameter of the pickle.

(iii) If the cucumber pickles possess a fairly good texture, a score of 22 to 25 points may be given. Cucumber pickles that fall into this classification shall not be graded above U. S. Grade C or U. S. Standard regardless of the total score for the product (this is a limiting rule) "Fairly good texture" means that the cucumber pickles are fairly firm and crisp, for the respective style and type of pack, are fairly free from seedy pickles, and that:

Not more than 20 percent by count of all the units in cucumber pickles may be markedly shriveled, soft, or slippery;

Not more than 20 percent by count of all the units in cucumber pickles may be hollow pickles, and

Not more than 20 percent by count of all the units in cucumber pickles may have chalky white centers exceeding 1/3 of the diameter of the pickle.

(iv) Cucumber pickles that fail to meet the requirements of subdivision (iii) of this subparagraph may be given a score of 0 to 21 points and shall not be graded above U. S. Grade D or Substandard, regardless of the total score for the product (this is a limiting rule)

(k) *Tolerances for certification of officially drawn samples.* (1) When certifying samples that have been officially drawn and which represent a specific lot of cucumber pickles, the grade for such lot will be determined by averaging the total scores of all the containers comprising the sample if:

(i) Not more than one-sixth of the containers comprising the sample fails to meet all the requirements of the grade indicated by the average of such total scores, and, with respect to such containers which fail to meet the requirements of the indicated grade by reason of a limiting rule, the average score of all the containers in the sample for the factor, subject to such limiting rule, must be within the range for the grade indicated;

(ii) None of the containers comprising the sample falls more than 4 points below the minimum score for the grade indicated by the average of the total scores; and

(iii) All containers comprising the sample meet all applicable standards of quality promulgated under the Federal Food, Drug, and Cosmetic Act and in effect at the time of the aforesaid certification.

(l) *Score sheet for cucumber pickles.* The following score sheet may be used to summarize the factors determining the various grades:

Size and kind of container			
Container code or marking			
Label			
Net weight (in ounces)			
Vacuum (in inches)			
Drained weight (in ounces)			
Style			
Type			
Density of sirup (°Baume or °Brix)			
Acidity=grams per 100 ml			
Salt (% NaCl)			
Size, count (if whole)			
Ingredients (if mixed or chow chow): % Cucumbers. % Cauliflower. % Onions. % Peppers.			
Factors	Score Points		
I. Color	20	(A) 16-20, (C) [1]13-15, (D) [1]0-12	
II. Uniformity of size and shape.	20	(A) 17-20, (C) 13-16, (D) [1]0-12	
III. Absence of defects	30	(A) 26-30, (C) [1]22-25, (D) [1]0-21	
IV. Texture	30	(A) 26-30, (C)[1] 22-25, (D) [1]0-21	
Total Score	100		
Normal flavor and odor			
Grade			

[1] Indicates limiting rule.

Issued this 23d day of March 1948.

[SEAL] S. R. NEWELL,
Acting Assistant Administrator, Production and Marketing Administration.

[F. R. Doc. 48-2702; Filed, Mar. 25, 1948; 8:46 a. m.]

[7 CFR, Part 966]

[Docket No. AO164-A1]

HANDLING OF ORANGES GROWN IN CALIFORNIA OR ARIZONA

NOTICE OF PROPOSED RULE MAKING WITH RESPECT TO ORDER AND TENTATIVELY APPROVED MARKETING AGREEMENT

Correction

In Federal Register Document 48-2190, appearing at page 1320 of the issue for Friday, March 12, 1948, the word "such" in the fourth line of paragraph (8) under amendatory paragraph 9, should read "each."

NOTICES

TREASURY DEPARTMENT

Bureau of Customs

[T. D. 51862]

KOREA

ADDITIONS TO "NO CONSUL" LIST

MARCH 19, 1948.

In accordance with a recommendation from the Department of State, all places in Korea, with the exception of Seoul and Inchon, are hereby added to the "No consul" list (1947) T. D. 51797, as amended.

Consular invoices covering merchandise from Korea, with the exception of Seoul and Inchon, will be accepted if certified under the provisions of section 482 (f) Tariff Act of 1930.

[SEAL] W. R. JOHNSON,
Deputy Commissioner.

[F. R. Doc. 48-2701; Filed, Mar. 25, 1948; 8:46 a. m.]

[T. D. 51863]

STANDARD-VACUUM OIL CO.

REGISTRATION OF HOUSE FLAG AND FUNNEL MARK

MARCH 22, 1948.

House flag and funnel mark of the Standard-Vacuum Oil Company registered in accordance with § 3.81 (a) Customs Regulations of 1943.

The Acting Commissioner of Customs, by virtue of the authority vested in him by section 7 of the act of May 28, 1908 (U. S. C., Title 46, sec. 49), as modified by section 102, Reorganization Plan No. 3 of 1946 (3 CFR, 1946 Supp., ch. IV), and in accordance with section 3.81 (a), Customs Regulations of 1943 (19 CFR, 1944 Supp., 3.81 (a)), has registered the house flag and funnel mark of the Standard-Vacuum Oil Company described below:

(a) *House flag.* The house flag is rectangular in shape. The hoist is 6 feet; the fly is 9 feet. The field of the house flag is white and has superimposed upon it the word "Stanvac" in bright red letters, above and below which are horizontal navy-blue bars and surrounding which, in part, is a navy-blue circle. The circle, however, is not complete, being broken on each side at the outside edges of the horizontal bars. The insignia is centered on the intersection of the diagonals of the flag. The outside diameter of the circle is 50 inches; inside diameter, 43 inches; length of name and bars, 69 inches; height of letters in name, 8¾ inches; inside distance between horizontal bars, 12 inches; thickness of horizontal bars, 1⅝ inches; thickness of lines forming letters, 2 inches. The word "Stanvac" is located 1⅝ inches from the inside edges of the horizontal bars above and below it.

(b) *Funnel mark.* The mark appears on a stack painted black, with a white band around the entire stack, the top edge of which is located below the top of the stack a distance equivalent to one-fourth the stack's height. The width of the white band is equivalent to three-fourths of the outside diameter of the stack for the round-section stacks, and for elliptical-section stacks is equivalent to three-fourths of the major-axis length of the ellipse. On either side of the stack centered in a fore-and-aft direction and vertically within the space occupied by the white band, there is an insignia, consisting of the word "Stanvac" in signal red letters, above and below which are horizontal medium-blue bars and surrounding which, in part, is a medium-blue circle. The circle, however, is not complete, being broken on each side at the outside edges of the horizontal bars. The proportionate dimensions of the insignia with relation to the width of the white band, as they would appear when projected onto a vertical plane parallel to the longitudinal axis of the ship, are as follows: Outside diameter of circle, 0.87; inside diameter of circle, 0.75; length of name plate, 1.14; width of name plate, 0.27; vertical height of letters, 0.16; width of lines forming letters, 0.032; width of horizontal bars at top and bottom of name, 0.03; space between upper and lower edges of the word "Stanvac" and the lower and upper edges of the horizontal bars above and below that word, 0.025. The lines of demarcation between black and white, and all outlines of the insignia, are applied as a 3/16-inch continuous built-up weld.

Colored scale replica drawings of the house flag and of the funnel mark described above are on file with the Division of the Federal Register.

[SEAL] FRANK DOW,
Acting Commissioner of Customs.

[F. R. Doc. 48-2709; Filed, Mar. 25, 1948; 8:46 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G-833]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF AMENDED APPLICATION

MARCH 22, 1948.

Notice is hereby given that on March 15, 1948, Texas Eastern Transmission Corporation (Applicant), a Delaware corporation with its principal office at Shreveport, Louisiana, filed an amended application for a certificate of public convenience and necessity, amending the application filed on January 19, 1948, notice of which was published in the FEDERAL REGISTER on February 25, 1948 (13 F. R. 834-835), pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to remove and relocate certain portions of pipe, and construct and operate certain pipelines and natural-gas facilities in connection with the following projects, subject to the jurisdiction of the Commission:

Project 1. (a) Removal of 5.37 miles of 14-inch O. D. pipeline located in White County, Illinois, beginning at Pump Station 11 in said county, thence running northwest a distance of approximately 5.37 miles to the site of Illinois Pipe Line Company's Enfield Terminal in said county.

(b) The installation of 3.73 miles of the pipeline described in (a) above at a location extending from a point in the Hico-Knowles Field, Lincoln Parish, Louisiana, to a connection with the Applicant's 20-inch main transmission line in Lincoln Parish, Louisiana.

(c) The 14-inch O. D. lateral line described in (b) above was constructed and

is now being operated by Applicant in lieu of 4 miles of 12¾-inch O. D. line authorized in Docket No. G–880.

Project 2. (a) Removal of the following-described portions of pipeline from existing locations in Union County, New Jersey, and in Chester and Delaware Counties, Pennsylvania:

(1) 13,700 feet of 12¾-inch O. D. pipe beginning at Wood Avenue Junction in Union County, New Jersey, and extending in a northeasterly direction 7,391 feet to the New Jersey-New York State Line across the Arthur Kill River, thence a distance approximately 14,673 feet to the New York-New Jersey State Line, Newark Bay.

(2) 5,750 feet of 12¾-inch O. D. pipe beginning approximately 2,200 feet south of the Linden Pump Station No. 27 in Union County, New Jersey, and extending in a southerly direction approximately 2,400 feet to the Union-Middlesex County Line across the Rahway River and thence in a southerly direction a distance of approximately 10,300 feet to a point approximately 800 feet south of Beech Street in Middlesex County on property of the Pan American Oil Company.

(3) 7,100 feet of 12¾-inch O. D. pipe commencing approximately 50 feet south of the Baltimore & Ohio Railroad's south property line on the William G. Price property in Chester, Chester County, Pennsylvania, and extending in a southwesterly direction to the Sinclair Refining Company's property in Marcus Hook, Delaware County, Pennsylvania.

(b) The portions of pipelines to be removed from the existing locations referred to in (a) (1–3) will be laid as lateral pipelines in the Philadelphia area as authorized by the Commission at Docket No. G–880.

The amended application makes no change in the proposals contained in its original application with respect to Project 1 referred to above. Applicant by the amendment omits reference to subparagraph 2 (a) of paragraph E of the original application which relates to 9,400 feet of 12¾-inch O. D. pipe beginning at the Linden Pump Station No. 27, Union County New Jersey, and extending in a northeasterly direction to a point on the Gulfport Junction site of the Gulf Oil Corporation; and to subparagraph 2 (e) of paragraph E of the original application which relates to 5,650 feet of 6⅝-inch O. D. pipe beginning on property of the Buffalo Construction Corporation in Union County, New Jersey, extending in a northeasterly direction to the property of the Crown Central Petroleum Corporation in Union County, New Jersey.

The amended application changes the descriptive paragraphs of the original application in the following particulars:

(1) Paragraph 2 (a) of the amended application relates to 13,700 feet of 12¾-inch O. D. pipe in a line beginning at Wood Avenue Junction in Union County, New Jersey, and extending 7,391 feet to the New Jersey-New York State Line and across the Arthur Kill River in a northeasterly direction approximately 14,673 feet, and is in lieu of that portion of pipe specified in paragraph 2 (b) of paragraph E of the original application.

(2) Paragraph 2 (b) of the amended application relates to 5,750 feet of 12¾-inch O. D. pipe in a line beginning at a point approximately 2,200 feet south of the Linden Pump Station No. 27, extending in a southerly direction 2,400 feet to the Union Middlesex County Line, across the Rahway River and running in a southerly direction 10,300 feet to a point approximately 800 feet south of Beech Street, Middlesex County, on property of the Pan-American Oil Company, and is in lieu of that portion of pipe specified in paragraph 2 (c) of paragraph E of the original application.

(3) Paragraph 2 (c) of the amended application relates to 7,100 feet of 12¾-inch O. D. pipe in a line at a point commencing at approximately 50 feet south of the Baltimore & Ohio Railroad's South Property Line on the William G. Price property extending in a southwesterly direction, a distance of approximately 7,760 feet to the Sinclair Refining Company in Marcus Hook, Delaware County, Pennsylvania, and makes no change in subparagraph 2 (d) of paragraph E of the original application.

The amended application estimates the capital cost of removing the lines from the Linden, New Jersey, and Philadelphia areas and transporting them to the points for installation in the Philadelphia area will be approximately $62,964, as compared with an estimated cost of $128,058 for the removal and transportation of the pipe referred to in the original application.

Any interested State commission is requested to notify the Federal Power Commission whether the application as amended should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The amended application of Texas Eastern Transmission Corporation is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (18 CFR 1.8 or 1.10)

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48–2697; Filed, Mar. 25, 1948; 8:50 a. m.]

[Docket No. G–1007]

CHICAGO DISTRICT PIPELINE CO.

NOTICE OF APPLICATION

MARCH 22, 1948.

Notice is hereby given that on March 5, 1948, an application was filed with the Federal Power Commission by Chicago District Pipeline Company (Applicant), an Illinois corporation with its principal place of business at Joliet, Illinois, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing Applicant to install on its 24-inch pipeline (described as the Calumet line) additional facilities at its meter and regulator station at State Street and Joe Orr Road near Chicago Heights, Illinois, and to construct and operate a new meter and regulator station at Central Avenue near Chicago Heights, Illinois, all for the purpose of making delivery and sale of natural gas to Public Service Company of Northern Illinois (Public Service) a gas utility distributing company engaged in the business of rendering gas utility service to communities and the inhabitants thereof adjacent to the City of Chicago, Illinois.

Applicant states that Public Service has been authorized by the Illinois Commerce Commission, by an order entered in that Commission's Cause No. 35956 on February 25, 1948, to convert from mixed gas service to straight natural gas service the area served by Public Service described as lying generally north of the South limits of Crete, Illinois, and bounded on the east by the Illinois-Indiana State line, on the north by the limits of the City of Chicago and the Drainage Canal of the Sanitary District of Chicago, and on the west by the Will-Cook County, Illinois, line; that the conversion of said territory by Public Service will relieve a deficiency in its distribution main capacity, make the operation of its distribution mains more flexible, make gas service available to areas now without gas service and substantially improve the gas supply to areas in which distribution facilities have limited capacity, increase the capacity of the local distribution mains due to the higher heating value of gas, and provide an adequate and more reliable supply of gas for distribution in the area, and, that in order to carry out such conversion, Public Service will require the enlargement at one point of the facilities through which it presently purchases gas from Applicant and will also require a new connection to the facilities of Applicant.

Applicant states that on May 9, 1947, Natural Gas Pipeline Company of America issued revisions to its rate schedule on file with the Commission setting forth provisions concerning the allocation of capacity, as it may be enlarged from time to time, of its pipeline system; that on August 4, 1947, Applicant filed similar revisions to its rate schedule on file with the Commission, setting forth provisions concerning the allocation among its four gas distributing utility company customers of the natural gas which it expects to have available to it under the allocation provided for in said schedules of Natural Gas Pipeline Company of America; that the installation and construction of the facilities requested by Public Service will not increase the allocation of gas to Applicant by Natural Gas Pipeline Company of America and will not increase the allocation by Applicant to Public Service over and above those set forth in the revision to Applicant's rate schedule filed with the

Commission on August 4, 1947; and, that the proposed facilities will be operated in the same manner as Applicant's present pipeline system and the construction and operation thereof will not decrease and will not materially increase the capacity of Applicant's natural gas transportation system. Applicant represents that its total revenue, fixed charges, and total operating expenses will not be affected by the proposed construction, and it proposes to charge for the service to be rendered through the proposed facilities at the rate presently on file with the Commission.

The estimated total cost of construction of the proposed facilities is $60,000, to be financed from funds on hand.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Chicago District Pipeline Company is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of the rules of practice and procedure (as amended on June 16, 1947) (18 CFR 1.8 or 1.10)

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-2695; Filed, Mar. 25, 1948; 8:50 a. m.]

[Docket No. G-1012]

TEXAS EASTERN TRANSMISSION CORP.

NOTICE OF APPLICATION

MARCH 22, 1948.

Notice is hereby given that on March 10, 1948, an application was filed with the Federal Power Commission by Texas Eastern Transmission Corporation (Applicant) a Delaware corporation with its principal place of business at Shreveport, Louisiana, for a certificate of public convenience and necessity pursuant to section 7 of the Natural Gas Act, as amended, authorizing the construction and operation of the following described natural-gas facilities:

(1) A 26-inch pipe line along the right of way of Applicant's "Big Inch" pipe line, extending approximately 1,020 miles from Longview, Texas, to a point about twenty-one miles east of Station No. 20, located at Wind Ridge, Pennsylvania;

(2) Approximately 400 miles of 26-inch pipe line from Longview, Texas, to various sources of natural gas supply in the State of Texas;

(3) Twenty-five (25) compressor stations with an aggregate installed horsepower of 244,840 to be installed on the pipe line described in paragraph (1) above, and five compressor stations with an aggregate installed horsepower of 69,900 to be installed on the "Big Inch" and "Little Big Inch" pipe lines east of Station No. 20, located at Wind Ridge, Pennsylvania.

Applicant states that the proposed 26-inch pipe line will have a designed delivery capacity of 425,000 Mcf per day. Reference is made to an application filed by Applicant in Docket No. G-1003 for a certificate of public convenience and necessity authorizing it to make certain changes in, and to install additional horsepower at, existing compressor stations for the purpose of increasing the capacity of Applicant's pipeline system to 508,000 Mcf per day. It is stated that the proposed facilities described herein together with those proposed in Docket No. G-1003 are deemed adequate to increase the sales capacity of Applicant's pipeline system to 933,000 Mcf per day.

Applicant states that of the designed delivery capacity of 425,000 Mcf per day of the proposed 26-inch pipe line, 39,000 Mcf per day will be sold to gas distributing companies in the Appalachian area. It is proposed to tie-in the proposed 26-inch pipe line with the "Big Inch" and "Little Big Inch" pipe lines at Station No. 20, located at Wind Ridge, Pennsylvania, and at a point about twenty-one miles east of Station No. 20, and the remaining gas from the proposed 26-inch pipe line in the amount of 386,000 Mcf per day will be transported through the "Big Inch" and "Little Big Inch" pipe lines to Philadelphia, Pennsylvania, and Linden, New Jersey. Applicant proposes to sell such gas to distributors of gas in the Philadelphia, Pennsylvania, New Jersey, New York, and New England areas through extension to be built either by Applicant or by the purchasers of such gas located in these areas where it may be determined that such gas is most needed in the public interest.

The estimated total over-all capital cost of construction of all of the proposed facilities is $152,131,000, to be financed from proceeds received by the sale of First Mortgage Bonds and/or from bank loans, and also from proceeds to be received from the sale of capital stock.

Any interested State commission is requested to notify the Federal Power Commission whether the application should be considered under the cooperative provisions of Rule 37 of the Commission's rules of practice and procedure (18 CFR 1.37) and, if so, to advise the Federal Power Commission as to the nature of its interest in the matter and whether it desires a conference, the creation of a board, or a joint or concurrent hearing, together with reasons for such request.

The application of Texas Eastern Transmission Corporation is on file with the Commission and open to public inspection. Any person desiring to be heard or to make any protest with reference to the application shall file with the Federal Power Commission, Washington 25, D. C., not later than 15 days from the date of publication of this notice in the FEDERAL REGISTER, a petition to intervene or protest. Such petition or protest shall conform to the requirements of Rule 8 or 10, whichever is applicable, of such rules of practice and procedure (18 CFR 1.8 or 1.10)

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-2694; Filed, Mar. 25, 1948; 8:50 a. m.]

[Docket No. E-6125]

SOUTHWESTERN POWER ADMINISTRATION

NOTICE OF ORDER CONFIRMING AND APPROVING TEMPORARY RATE SCHEDULE

MARCH 23, 1948.

Notice is hereby given that, on March 22, 1948, the Federal Power Commission issued its order entered March 19, 1948, in the above-designated matter, confirming and approving temporary rate schedule for period ending June 30, 1948.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-2693; Filed, Mar. 25, 1948; 8:50 a. m.]

[Docket No. E-6123]

OTTER TAIL POWER CO.

NOTICE OF APPLICATION

MARCH 22, 1948.

Notice is hereby given that on March 19, 1948, an application was filed with the Federal Power Commission, pursuant to section 204 of the Federal Power Act, by Otter Tail Power Company, a corporation organized under the laws of the State of Minnesota and doing business in the States of Minnesota, North Dakota and South Dakota, with its principal business office at Fergus Falls, Minnesota, seeking an order authorizing the issuance of $2,500,000 First Mortgage Bonds, 3⅛% Series of 1978 to be dated March 1, 1948, and to mature March 1, 1978, and $2,500,000 principal amount of unsecured notes bearing interest at a rate not to exceed 3% per annum and having a maturity of one year or less, to be issued from time to time prior to December 31, 1950; all as more fully appears in the application on file with the Commission.

Any person desiring to be heard, or to make any protest with reference to said application should, on or before the 8th day of April, 1948, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 48-2696; Filed, Mar. 25, 1948; 8:50 a. m.]

[Docket No. G-830]

TEXAS EASTERN TRANSMISSION CORP.

ORDER FIXING DATE OF HEARING

Upon consideration of the Commission's opinion and order in this docket

under date of October 10, 1947, particularly paragraph (J) of such order;

It appears to the Commission that: The acute gas shortage in the area served by Panhandle Eastern Pipe Line Company may extend beyond April 30, 1948; and that it is necessary and desirable in the public interest that a public hearing be held to determine whether such gas shortage situation requires continued deliveries beyond April 30, 1948 by Texas Eastern to the Panhandle area in the manner provided in paragraph (J) of the Commission's order of October 10, 1947; and

The Commission orders that:

(A) A public hearing be held commencing at 10 a. m., (e. s. t.) on April 7, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., to determine whether there is a continuing shortage of gas supply in the area served by Panhandle Eastern Pipe Line Company which requires the continuance of the deliveries of 20 million cubic feet per day as provided in paragraph (J) of the Commission's order of October 10, 1947;

(B) The public hearing provided for in paragraph (A) be and the same is hereby consolidated for hearing with the matters involved in Docket No. G–1023 as therein provided;

(C) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 23, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–2721; Filed, Mar. 25, 1948; 8:59 a. m.]

[Docket No. G–1010]

PANHANDLE EASTERN PIPE LINE CO.

ORDER FIXING DATE OF HEARING

Upon consideration of the Commission's order in this docket under date of March 9, 1948, suspending Supplement No. 7 to Panhandle's Rate Schedule FPC No. 61,

It appears to the Commission that: It is necessary and desirable in the public interest that a prompt hearing be held to determine whether the proposed additional deliveries to The East Ohio Gas Company as contemplated by Supplement No. 7 to Panhandle's Rate Schedule FPC No. 61, and rates and charges to be paid by East Ohio for such additional deliveries of natural gas as set forth in such suspended rate supplement are unjust, unreasonable or otherwise unlawful and in violation of the provisions of the Natural Gas Act; and

The Commission orders that:

(A) A public hearing be held commencing at 10:00 a. m. (e. s. t.) on April 7, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., to determine whether the additional deliveries by Panhandle to East Ohio and the rates and charges provided in Supplement No. 7 to Panhandle's Rate Schedule FPC No. 61 are unjust, unreasonable or otherwise unlawful and in violation of the provisions of the Natural Gas Act.

(B) Panhandle Eastern Pipe Line Company shall have the burden of establishing the reasonableness of the provisions of Supplement No. 7 to Panhandle's Rate Schedule FPC No. 61 both respecting the questions of additional deliveries to East Ohio and the rates and charges therein provided.

(C) The public hearing provided for in paragraph (A) be and the same is hereby consolidated for hearing with the matters involved in Docket No. G–1023 as therein provided.

(D) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 23, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–2722; Filed, Mar. 25, 1948; 8:59 a. m.]

[Docket No. G–1013]

MICHIGAN CONSOLIDATED GAS CO. ET AL.

ORDER FIXING DATE OF HEARING

In the matter of city of Grand Rapids, city of Muskegon, city of Muskegon Heights, city of North Muskegon, city of Roosevelt Park, complainants, v. Michigan Consolidated Gas Company, and Panhandle Eastern Pipe Line Company, Company, defendants.

Upon consideration of the complaint filed herein under date of March 10, 1948, by the cities of Grand Rapids, Muskegon, Muskegon Heights, North Muskegon and Roosevelt Park, and their petition for an order requiring Panhandle Eastern Pipe Line Company to sell and deliver adequate volumes of gas to Michigan Consolidated Gas Company at Detroit for storage in the Austin Field to meet the gas requirements of such cities served by Michigan Consolidated;

It appears to the Commission that: It is necessary and desirable in the public interest that a hearing be held respecting the matters involved and the issues raised by such complaint; and

The Commission orders that:

(A) A public hearing be held, commencing at 10:00 a. m. (e. s. t.) on April 7, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue, NW., Washington, D. C., respecting the matters involved and the issues presented by the complaint of the cities of Grand Rapids, Muskegon, Muskegon Heights, North Muskegon and Roosevelt Park.

(B) Michigan Consolidated Gas Company and Panhandle Eastern Pipe Line Company shall answer said complaint in writing prior to the beginning of the hearing herein provided.

(C) The public hearing provided for in paragraph (A) be and the same is hereby consolidated for hearing with the matters involved in Docket No. G–1023 as therein provided.

(D) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: March 23, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 48–2723; Filed, Mar. 25, 1948; 9:00 a. m.]

[Docket No. G–1023]

PANHANDLE EASTERN PIPE LINE CO. ET AL.

ORDER FOR INQUIRY AND INVESTIGATION UNDER SECTIONS 5, 14, AND 16 OF THE NATURAL GAS ACT AND FIXING DATE FOR HEARING

In the matter of Panhandle Eastern Pipe Line Company, The Albion Gas Light Company, The American Gas Company, Battle Creek Gas Company, Bowling Green Gas Company, Central Illinois Electric & Gas Company, Central Illinois Light Company, Central Illinois Public Service Company, Central Indiana Gas Company, Central States Natural Gas Company, Inc., The Central West Utility Company, Citizens Gas Company, Citizens Gas Company of Hannibal, Citizens Gas Fuel Company, The East Ohio Gas Company, Eastern Indiana Gas Company, City of Fulton, Missouri, The Gas Service Company, Greenfield Gas Company, Inc., Illinois Power Company, Indiana Gas Distribution Corporation, Indiana Gas & Water Company, Inc., Indiana-Ohio Public Service Company, Interstate Gas Company, Kentucky Natural Gas Corporation, Kokomo Gas and Fuel Company, Town of Lapel, Indiana, Louisburg Gas Company, Lynn Natural Gas Company, The Miami Pipe Line Company, Michigan Consolidated Gas Company, Michigan Gas Storage Company, Missouri Edison Company, Missouri Power and Light Company, Missouri Utilities Company, Missouri Western Gas Company, Town of Montezuma, Indiana, Morton Municipal Gas Company, National Utilities Company of Michigan, Northern Indiana Public Service Company, The Ohio Fuel Gas Company, Ohio Gas Company, Pendleton Natural Gas Company, Town of Pittsboro, Indiana, City of Pittsfield, Illinois, Prairie Pipe Line Company, Town of Roachdale, Indiana, City of Roodhouse, Illinois, Richmond Gas Corporation, Toledo Edison Company, The, Western Ohio Public Service Company, City of White Hall, Illinois, and Union Gas Company of Canada, Ltd.

Upon consideration of various matters brought to the attention of the Commission indicating a possible shortage of pipe line capacity in the Panhandle Eastern Pipe Line Company's system to supply the requirements of its direct customers and the requirements of distributing utilities dependent, in whole or in part, upon it for their supply of natural gas, including indicated requirements for underground storage in Michigan, Illinois, Kentucky, Ohio and possibly in

Canada, as well as question concerning the lawfulness of certain deliveries made by Panhandle under filed rate schedules, particularly deliveries by Panhandle to Michigan Consolidated Gas Company at Detroit, and related questions having a bearing upon the lawful demands which may presently or in the immediate future be made upon Panhandle for a supply of gas under rate schedules on file with the Federal Power Commission;

It appears to the Commission that:

(a) The delivery capacity of Panhandle Eastern Pipe Line Company's system during the summer of 1948 may be on the order of 405 million cubic feet per day; that such capacity may be increased from time to time by the completion of additional facilities already authorized; and that the date of the completion of such additional facilities and the added capacity to be thereby provided are not now known;

(b) The Commission by its Opinion No. 157 and order of October 10, 1947, in Docket No. G–880, conditioned its certificate of public convenience and necessity by providing that 20 million cubic feet of natural gas per day, for the period ending April 30, 1948, was to be delivered by Texas Eastern Transmission Corporation in the manner therein specified to relieve the gas shortage in the area served by Panhandle; that it was further provided in such opinion and order that such allocation of 20 million cubic feet of natural gas per day might be extended beyond April 30, 1948, on a finding by the Commission of necessity therefor to relieve a continuing gas shortage situation in the Panhandle area; and that question now arises as to whether the facts and circumstances respecting the gas supply situation in the Panhandle area justifies and requires continued delivery, beyond April 30, 1948, of such 20 million cubic feet of natural gas per day to the Panhandle area;

(c) The Commission is not advised as to the total natural gas requirements of customers served directly by Panhandle and gas-distributing utilities dependent upon Panhandle, in whole or in part, for their supply of natural gas; and that question arises as to such total requirements in order to ascertain and determine what volumes of natural gas are or will be available from the Panhandle system to meet the day-to-day requirements of such customers and provide natural gas for underground storage;

(d) Michigan Gas Storage Company asserts that it will require daily deliveries by Panhandle approximating 100 million cubic feet of natural gas per day during the summer of 1948 (May through September) to meet its requirements for (1) consumers' current daily demands, and (2) storage in its underground storage fields in Michigan to enable it to meet its winter requirements by taking gas from the storage fields and limiting its winter peak day take of gas from Panhandle;

(e) Michigan Consolidated Gas Company purchases gas from Panhandle under Panhandle's Rate Schedule FPC No. 12; as supplemented, and question has arisen concerning the lawfulness of certain deliveries by Panhandle and the corresponding take by Michigan Consolidated which appear to be in violation of Supplement No. 5 to Panhandle's Rate Schedule FPC No. 12; that there is further question concerning the lawfulness of deliveries of natural gas by Panhandle and the corresponding take by Michigan Consolidated for storage in the Austin Field under filed rate schedules; and that there is apparently no present prospect of agreement between Panhandle and Michigan Consolidated respecting the volumes of gas which may be available for storage in the Austin Field under Panhandle's filed rate schedules, or otherwise;

(f) Panhandle Eastern Pipe Line Company on February 9, 1948, filed with the Commission its Supplement No. 7 to Panhandle's Rate Schedule FPC No. 61, providing under circumstances therein specified, for increased delivery of natural gas to The East Ohio Gas Company in the amount of 25 million cubic feet per day thereby increasing Panhandle's deliveries from 50 million cubic feet per day to 75 million cubic feet per day; and that the Commission by its order in Docket No. G–1010 under date of March 9, 1948, suspended such rate schedule upon the ground, among others, that there was question respecting the lawfulness of the increase in service therein contemplated;

(g) By Supplement No. 2 to Panhandle's Rate Schedule FPC No. 108, as filed on October 10, 1946, and effective as of June 30, 1947, Panhandle's obligation to deliver natural gas to The Ohio Fuel Company during the period December 1, 1947, to and including April 15, 1948, was reduced to 25 million cubic feet per day; that on March 17, 1948, Panhandle gave notice to the Federal Power Commission that it proposes to cancel and terminate the provisions of Panhandle's Rate Schedule PFC No. 108 relating to deliveries in excess of 25 million cubic feet of natural gas per day; and that question is thereby raised as to the volume of natural gas Panhandle is to deliver to Ohio Fuel on and after April 16, 1948;

(h) Certain western Michigan cities, including Grand Rapids, Muskegon, Muskegon Heights, North Muskegon and Roosevelt Park have filed a complaint with the Commission, in Docket No. G–1013, wherein it is requested that the Commission, after appropriate proceedings, provide by order that a sufficient volume of gas be delivered by Panhandle to Michigan Consolidated for storage in the Austin Storage Field so that such western Michigan cities may have an adequate supply of natural gas to meet their winter requirements; that question is thereby raised as to the availability of gas for such purposes from the Panhandle system and whether the Commission may reasonably and lawfully require Panhandle to supply the required service prayed for by complainants and that the same question is raised by the Commission's order of November 13, 1947, in Docket Nos. G–834, G–839 and G–918;

(i) Union Gas Company of Canada, Ltd., on January 30, 1948, filed a petition with the Commission for leave to intervene in Docket No. G–612 and for an order by the Commission modifying its order of April 23, 1946, to provide a supply by Panhandle of natural gas to enable it to maintain natural gas service in the area it serves in Canada; and that question is thereby raised as to the reasonableness of such request for modification of the Commission's outstanding order in Docket No. G–612;

(j) On January 23, 1948, Panhandle filed, pursuant to the provisions of the Commission's order No. 107, six contracts each dated December 24, 1947, wherein Panhandle undertakes to supply specific quantities of natural gas for industrial use on a firm basis during 180 days subsequent to April 1st of each year, such contracts being with Harbison-Walker Refractories Company at Fulton and Vandalia, Missouri, Mexico Refractories Company, Mexico, Missouri, North American Refractories Company, Farber, Missouri, Walsh Refractories Company, Farber, Missouri and Wellsville Fire Brick Company, Wellsville, Missouri; and that question arises as to whether such firm service during 180 days in each calendar year supplanting in part service heretofore rendered on an interruptible basis, as well as other changes in the terms and conditions of service are unreasonable and improper or otherwise unlawful, in view of Panhandle's existing pipe line capacity and the lawful demands upon such system under filed rate schedules, particularly with respect to the denial of firm service to other interruptible service customers depending upon the Panhandle system who are supplied indirectly with gas purchased from Panhandle on an interruptible basis by distributing utilities.

Wherefore, the Commission finds that: It is necessary and desirable in the public interest to enable the Commission to resolve the issues presented and to provide by order the just, reasonable and nondiscriminatory rules, regulations, practices, classifications and services to be thereafter observed and in force, that:

(i) A public hearing be held respecting the matters involved and the issues presented by the recitals set forth in paragraphs (a) (c), (d) (e), (g) (h), (i) and (j) above;

(ii) The issues presented and the matters involved in Docket Nos. G–880, G–1010 and G–1013, specified in the Commission's orders issued simultaneously herewith in such dockets (referred to in paragraph (b) (f) and (h) above) be consolidated with this proceeding for the purposes of hearing and be heard upon a consolidated record;

(iii) Each party hereto, receiving all or a part of its supply of natural gas from Panhandle Eastern Pipe Line Company, submit to the Commission within 10 days from the date of this order full detailed information and data called for by schedules hereto attached and made a part hereof, respecting consumer requirements, source or sources from which requirements will be obtained, and extent and status of underground gas storage areas;

(iv) Panhandle furnish detailed information respecting its average daily sales capacity, in total and east of Edgerton compressor station, by months for the period January 1948 through April 1949; the status of construction authorized by the Commission and not yet completed; the approximate completion dates of various parts of such

authorized construction; actual or estimated deliveries and requirements of direct consumers by months for the period January 1947 through December 1948, in total for residential and commercial consumers and separately for each individual industrial consumer, segregated between firm and interruptible service; its plan, including service rules and regulations, for the supply of such requirements; and such other information and data as may be requested by the Commission;

(v) Panhandle Eastern Pipe Line Company furnish full and detailed information respecting any delivery of natural gas by it or take by any of its customers which are or appear to be in violation of its supplements to filed rate schedules permitted to become effective by the Commission's order of November 2, 1945, in Docket Nos. G–200 and G–207.

The Commission orders that:

(A) A public hearing be held commencing at 10 o'clock (e. s. t.) on April 7, 1948, in the Main Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., pursuant to the provisions of Sections 5, 14 and 16 of the Natural Gas Act, and respecting the matters presented and the issues raised by the recitals set forth in paragraphs (a) to (j) inclusive, to enable the Commission to issue such orders as may be required respecting the issues raised herein;

(B) The public hearings provided by the Commission's orders in Docket Nos. G–880, G–1010 and G–1013 issued under even date and simultaneously herewith, be consolidated with this docket for hearing and be heard upon a consolidated record commencing at the time and place specified in paragraph (A) above;

(C) Each party to this proceeding serve upon each and every other party to the proceeding, within 10 days from the date of this order, a full and complete copy of the detailed information called for in Findings (iii), (iv) and (v) above and file with the Commission 15 copies of such data and information;

(D) The detailed information specified in paragraph (C) of this order shall be verified by a responsible officer of the reporting party having knowledge of the facts and be prepared to substantiate the accuracy of such data and information therein contained at the public hearing provided for herein;

(E) Panhandle shall promptly serve a copy of this order by mail upon each of its direct industrial consumers and file with the Commission not later than the date of the hearing herein set a certificate showing such service; and each such direct industrial consumer is hereby permitted to become a party to the proceeding by entering its appearance at the hearing provided herein;

(F) Hearing upon any matters or issues, particularly matters and issues in Docket No. G–880, may be concluded and submitted for decision by the Commission prior to the conclusion of hearing upon other issues involved in this proceeding upon 5 days prior notice given by the Presiding Examiner in open hearing;

(G) The order of procedure shall be that announced by the Presiding Examiner at the opening of the hearing, or from time to time thereafter;

(H) Interested State commissions may participate as provided by Rules 8 or 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules and practices and procedure.

Date of issuance: March 23, 1948.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

GENERAL NOTES RELATING TO INFORMATION TO BE FILED AND SERVED PURSUANT TO PARAGRAPHS (iii) AND (C) OF THE COMMISSION ORDER OF MARCH 23, 1948 IN DOCKET NO. G–1023

(1) The form of the following schedules is to be followed in submitting the pertinent information required by the Commission's order. All applicable schedules are to be completed. Inapplicable schedules or items are to be marked "None" or "—0—"

(2) All volumes are to be in thousands of cubic feet (Mcf) at a pressure base of 14.73 pounds per square inch absolute (30 inches of mercury).

(3) In estimating future requirements, assume that present restrictions regarding additional gas sales remain in force.

(4) Companies operating underground storage projects shall submit, in addition to the data required by Schedules No. 1 and 2, estimates by months for the period January to April 1949, inclusive.

RESPONSE TO FEDERAL POWER COMMISSION ORDER OF MARCH 23, 1948, IN DOCKET NO. G–1023

(Name of company) (Date of report)

SCHEDULE NO. 1—REQUIREMENTS

Actual or Estimated by Months
Jan. 1947 to Dec. 1948, Incl.
(Use Single Sheet for Each Year)

1.	Ultimate consumers		
2.	Firm gas:		
3.	Nonheating:		
4.	Residential		
5.	Commercial		
6.	Small industrial [1]		
7.	Large industrial: Boiler fuel [2]		
8.	Large industrial: Other		
9.	Total—Nonheating		
10.	Space heating:		
11.	Residential		
12.	Commercial		
13.	Small industrial [1]		
14.	Large industrial		
15.	Total—space heating		
16.			
17.	Total firm gas		
18.	Seasonal or off-peak:		
19.	Large industrial: Boiler fuel [2]		
20.	Large industrial: Other		
21.	Total seasonal		
22.	Interruptible		
23.	Large industrial: Boiler fuel [2]		
24.	Large industrial: Other		
25.	Total interruptible		
26.	Total to ultimate consumers		
27.			
28.	For resale:		
29.	Firm		
30.	Interruptible		
31.	Total		
32.	Company use and unaccounted for—Total		
33.	Storage input (net)—Total		
34.			
35.	Total requirements		
36.			
37.	Number of days in billing month		

[1] Small industrial is to include industrial consumers using 50 or less mcf per day.
[2] Boiler fuel designates gas for steam generating and hot water heating.

RESPONSE TO FEDERAL POWER COMMISSION ORDER OF MARCH 23, 1948, IN DOCKET NO. G–1023

(Name of company) (Date of report)

SCHEDULE NO. 2—SUPPLY

Actual or Estimated by Months
Jan. 1947 to Dec. 1948, Incl.
(Use Single Sheet for Each Year)

1.	Natural gas purchases		
2.	Pipe-line companies:		
3.	1. Panhandle Eastern Pipe Line Co		
4.	2.		
5.	3.		
6.	4.		
7.	Other sources		
8.	Total purchases		
9.			
10.	Natural gas production: Total		
11.			
12.	Total natural gas		
13.	Manufactured gas (natural-gas equivalent)		
14.	Purchases		
15.	Production:		
16.	Water gas, etc		
17.	Liquefied petroleum gas		
18.	Total manufactured gas		
19.			
20.	Receipts from storage (net) Total		
21.			
22.	Total supply		

RESPONSE TO FEDERAL POWER COMMISSION ORDER OF MARCH 23, 1948, IN DOCKET NO. G–1023

(Name of company) (Date of report)

SCHEDULE NO. 3—REQUIREMENTS OF INDIVIDUAL INDUSTRIAL CONSUMERS USING 5,000 OR MORE MCF IN ANY MONTH AT A METER LOCATION

(1) For each such meter location give the following information:
(2) Indicate by single asterisk (*) the meter locations of requirements having no stand-by or alternative fuel supply.
(3) Indicate by double asterisk (**) the meter locations of requirements which have stand-by or alternative fuel supply equivalent to 50 percent or less of requirements.
(4) If sale or delivery at one meter location is or has been made under more than one retail rate schedule, give data separately for each rate schedule.

		Service classification [1]	Retail rate schedule designation [2]	Designation of Panhandle Rate Schedule Rd or Gd, under which this gas is purchased	Date of first service	Actual or estimated requirements by months Jan. 1947 to Dec. 1948, incl. (use single sheet for each year)
1	Name of customer: (1) Meter location (2) Meter location (3) Meter location					
2	Name of customer (etc.):					

[1] This classification should be indicated by the line number of Schedule No. 1 on which this requirement is included.
[2] If this sale made under special contract, give date of such contract.

RESPONSE TO FEDERAL POWER COMMISSION ORDER OF MARCH 23, 1948, IN DOCKET NO. G-1023

(Name of company) (Date of report)

SCHEDULE NO. 4—INTERRUPTIBLE DELIVERIES OF LESS THAN 5,000 MCF IN ANY MONTH AT A METER LOCATION WHERE SERVICE COMMENCED AFTER OCTOBER 1, 1946

For each such meter location give the following information:

		Designation of Panhandle Rate Schedule Rd or Gd under which this gas is purchased	Date of first service	Deliveries by months Jan. to Dec. 1947, incl.
1	Name of customer:			
2	(1) Meter location			
3	(2) Meter location			
4				
5				
6	Name of customer:			
7	(1) Meter location			
8	(2) Meter location			
9				
10				
	(Etc.)			

RESPONSE TO FEDERAL POWER COMMISSION ORDER OF MARCH 23, 1948, IN DOCKET NO. G-1023

(Name of company) (Date of report)

SCHEDULE NO. 5—UNDERGROUND STORAGE

[This information is to be given for each individual storage field or area. Data are to be supplied in response to Questions 2 to 8 for conditions at the beginning of each month]

Actual or Estimated Data—By Months—Jan. 1947–May 1948, Incl.

1. Name of storage field or area_____
2. Total volume of gas in place_____
3. Average well head pressure, p. s. i. g_____
4. Number of input wells_____
5. Number of output wells_____
6. Number of observation wells_____
7. Maximum safe daily output capacity_____
8. Maximum safe daily input capacity_____
9. Net input or withdrawal during month_____

RESPONSE TO FEDERAL POWER COMMISSION ORDER OF MARCH 23, 1948, IN DOCKET NO. G-1023

(Name of company) (Date of report)

SCHEDULE NO. 6—UNDERGROUND STORAGE FIELD DATA

(For each storage field or area shown on Schedule No. 5, give the following information:)

1. Name of storage field_____
2. Maximum safe well head pressure, P. s. i. g_____
3. Minimum safe well head pressure, P. s. i. g_____
4.
5. Volume of gas in place at maximum safe _____
6. Well head pressure, Mcf_____
7.
8. Volume of gas in place at minimum safe_____
9. Well head pressure, Mcf_____

RESPONSE TO FEDERAL POWER COMMISSION ORDER OF MARCH 23, 1948, IN DOCKET NO. G-1023

(Name of company) (Date of report)

SCHEDULE NO. 7—MANUFACTURED AND LIQUEFIED PETROLEUM GAS FACILITIES

(For each such plant give the following information:)

Manufactured gas facilities:
- A. Location _____
- B. Type of facilities_____
- C. Capacity in continuous operation (mcf per day of natural-gas equivalent)_____

Liquefied petroleum gas facilities:
- A. Location _____
- B. Type of facilities_____
- C. Capacity (in mcf per day of natural gas equivalent)_____
- D. Number of days plant can operate at such capacity without replenishing LPG storage_____

[F. R. Doc. 48-2724; Filed, Mar. 25, 1948; 9:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File Nos. 68-100, 70-1771]

ROCHESTER GAS AND ELECTRIC CORP.

NOTICE OF FILING AND ORDER FOR HEARING AND ORDER FOR CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 18th day of March 1948.

Notice is hereby given that Rochester Gas and Electric Corporation ("Rochester"), a subsidiary of General Public Utilities Corporation, a registered holding company, has filed an application, as amended, and a declaration, with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("act") Applicant declarant has designated sections 6 (b) and 12 (e) of the act and Rules U-62 and U-65 promulgated thereunder as applicable to the proposed transactions.

All interested persons are referred to said application, as amended, and declaration, which are on file in the offices of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Rochester will, from time to time, issue its unsecured notes, each of which will bear interest in an amount not to exceed 2¾% per annum, will mature not more than nine months after the date of issue thereof, and which (together with all other then outstanding unsecured notes of a maturity of nine months or less) will aggregate in principal amount outstanding at any one time not more than $16,000,000. Rochester requests that the issuance of such notes be exempted by order of the Commission pursuant to the first sentence of section 6 (b) of the act and that such exemption, with respect to the issuance or renewal of such notes, be for a period of two years from the date on which such exemption may be granted. The proceeds from the issuance of such notes are to be used for new construction or to liquidate notes the proceeds of which were used for new construction.

The certificate of incorporation, as amended, of Rochester, provides that it may not, without the consent of the holders of a majority of the total number of shares of its preferred stock, issue any unsecured notes, debentures or other securities representing unsecured indebtedness if, immediately after such issue or assumption, the total principal amount of all unsecured notes, debentures or other securities representing unsecured indebtedness issued or assumed by Rochester and then outstanding would exceed 10% of the aggregate of (1) the total principal amount of all bonds or other securities representing secured indebtedness issued by it and then to be outstanding, and (2) the capital and surplus of the company as then to be stated on the company's books of account. The issue and sale by Rochester of $16,000,000 principal amount of unsecured indebtedness would aggregate more than 10% of its secured indebtedness, capital, and surplus. Accordingly, the company proposes to solicit its preferred shareholders to obtain their requisite consent to the issue, up to and including December 31, 1953, of unsecured indebtedness in the aggregate amount outstanding, at any one time, of not more than $20,000,000 principal amount, and the proceeds of which are to be used to finance construction requirements and to meet maturities of notes the proceeds of which were so used.

Applicant states that no commission, other than this Commission, has jurisdiction over the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application, as amended, and declaration, and that said application, as amended, and declaration shall not be granted or permitted to become effective except pursuant to further order of the Commission.

It further appearing that the foregoing matters are related, and the evidence offered in respect to each of the matters may have a bearing on the other, and that substantial savings in time, effort and expense will result if said matters are consolidated:

It is hereby ordered, That said proceedings be, and hereby are, consolidated.

It is further ordered, Pursuant to sections 6 (b) and 12 (e) and 18 of the act, that a hearing be held upon said matters, as consolidated, on March 29, 1948, at 10:00 a. m., e. s. t., at the offices of the Securities and Exchange Commission, 425 Second Street, N. W., Washington, D. C. On such date the hearing room clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard in connection with this proceeding or proposing to intervene herein shall file with the Secretary of the Commission, on or before March 26, 1948, a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That Harold B. Teegarden or any other officer or officers

of this Commission designated by it for that purpose, shall preside at such hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer under the Commission's rule of practice.

The Public Utilities Division of the Commission having advised the Commission that it has made a preliminary examination of the application, as amended, and the declaration, and that, on the basis thereof, the following matters and questions are presented for consideration without prejudice, however, to the presentation of additional matters and questions upon further examination:

(1) Whether or not the requested exemption pursuant to the provisions of the first sentence of section 6 (b) is necessary or appropriate in the public interest or for the protection of investors or consumers.

(2) What terms and conditions, if any, with respect to the requested exemption are necessary or appropriate in the public interest or for the protection of investors or consumers, and, in particular, what, if any, terms and conditions are necessary or appropriate to protect the financial integrity of Rochester.

(3) Whether the proposal to obtain the requisite consent of Rochester's preferred shareholders to increase the permissible amount of its unsecured indebtedness is detrimental to the public interest or the interest of investors or consumers.

(4) Whether the proposed solicitation of authorizations in connection with the proposed issue and sale of unsecured promissory notes complies with the applicable provisions of section 12 (e) of the act and Rules U-62 and U-65 promulgated thereunder.

It is further ordered, That at said hearing evidence shall be adduced with respect to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve notice of the aforesaid hearing by mailing a copy of this order by registered mail to Rochester Gas and Electric Corporation, the Public Service Commission of the State of New York, and the City of Rochester, New York, and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice be given to all persons by publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2691; Filed, Mar. 25, 1948; 8:49 a. m.]

[File No. 70-1770]

APPALACHIAN ELECTRIC POWER CO. AND OHIO POWER CO.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 19th day of March A. D. 1948.

Notice is hereby given that Appalachian Electric Power Company ("Appalachian") and The Ohio Power Company ("Ohio") both electric utility subsidiaries of American Gas and Electric Company, ("American Gas") a registered holding company, have filed an application pursuant to the Public Utility Holding Company Act of 1935 and have designated section 10 of the act as applicable to the proposed transactions.

All interested persons are referred to said application which is on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

Appalachian and Ohio propose to acquire the shares of capital stock of two new corporations to be organized under the laws of West Virginia as further described hereinafter:

1. *Central Coal Company ("Coal Company")* The application states that Ohio and Appalachian propose to create Coal Company to conduct deep mining operations on lands adjacent to the new Philip Sporn plant which is presently under construction. It is stated that these coal operations will ensure an adequate supply of coal at a reasonable cost for the power plants of Appalachian and Ohio.

Coal Company is to have an initial capitalization of 100,000 shares of capital stock of the par value of $100 per share. Appalachian and Ohio will each acquire 30,000 shares of such stock for a cash consideration of $3,000,000 to be paid by each company to Coal Company. Such purchases and sales are to be consummated from time to time prior to March 1, 1950 as Coal Company requires funds for its operations.

It is proposed that the cost of coal to be sold by Coal Company to Appalachian and Ohio will be such as will be sufficient to afford Appalachian and Ohio a 6% return on their investment in Coal Company.

2. *Central Operating Company ("Operating Company")* The application states that Appalachian and Ohio are presently constructing and installing 275,000 kilowatts of generating capacity at the Philip Sporn plant, the plant and units to be installed therein to be owned separately by Appalachian and Ohio. The application states that the company proposes to organize Operating Company to provide a method for the economical operation of the entire plant as one generating station with one staff of employees. Operating Company will have an initial capitalization of 40,000 shares of capital stock with a par value of $100 per share. It is proposed that Appalachian and Ohio each acquire 20,000 shares of the capital stock of Operating Company for a cash consideration of $2,000,000 to be paid by each company to Operating Company. Such acquisition and sales are proposed to be consummated from time to time prior to March 1, 1952 as Operating Company needs funds for its operations.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application and that said application should not be granted except pursuant to further order of this Commission.

It is ordered, That a hearing on said application pursuant to the applicable provisions of the act and the rules of the Commission be held on April 1, 1948 at 10:00 a. m., e. s. t., at the offices of the Commission, 425 Second Street NW., Washington 25, D. C. On such date the hearing room clerk in Room 101 will advise as to the room in which such hearing will be held. Any persons desiring to be heard or otherwise wishing to participate in this proceeding shall file with the Secretary of this Commission on or before March 31, 1948 a written request relative thereto as provided by Rule XVII of the Commission's rules of practice.

It is further ordered, That William W. Swift, or any other officer or officers of this Commission designated by it for that purpose, shall preside at such hearing. The officer or officers so designated to preside at such hearing are hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the act and to a hearing officer of the Commission's rules of practice.

The Public Utilities Division having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following matters and questions are presented for consideration, without prejudice to its specifying additional matters and questions upon further examination:

1. Whether the proposed acquisition of the securities of Coal Company and Operating Company will tend towards interlocking relations of a kind or to an extent detrimental to the public interest or the interest of investors or consumers.

2. Whether the creation of the proposed new corporations and the proposed acquisitions of the securities of Coal Company and Operating Company will unduly complicate the capital structure of Appalachian, Ohio, or American Gas, and whether such acquisitions will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding company system.

3. Whether in other respects the proposed transactions satisfy the applicable standards of the act, and whether in the event that the application shall be granted it is necessary or appropriate to impose any terms or conditions to assure compliance with the standards of the act or in the public interest or for the protection of investors or consumers.

It is ordered, That particular attention be directed at said hearing to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall serve a copy of this order, by registered mail, on the applicant herein and that notice of said hearing shall be given to all other persons by general release of this Commission which shall be distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by

publication of this order in the FEDERAL REGISTER.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2689; Filed, Mar. 25, 1948; 8:49 a. m.]

[File No. 70-1776]

UNITED GAS IMPROVEMENT CO.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C., on the 19th day of March 1948.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, by The United Gas Improvement Company ("UGI") a registered holding company. Declarant has designated section 12 (b) of the act and rule U-45 promulgated thereunder as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than April 7, 1948 at 5:30 p. m., e. s. t., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after April 7, 1948, said declaration, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

The Philadelphia Gas Works Company ("PGW") all of whose capital stock is owned by UGI, operates the Philadelphia Gas Works properties owned by the City of Philadelphia, and is obligated under an Operating Agreement dated October 5, 1938, as amended, to provide, under certain circumstances sufficient working capital to meet the needs of the operations of Philadelphia Gas Works.

UGI states that the working capital requirements of the Philadelphia Gas Works greatly exceed the present amount it has for such purposes, and therefore it proposes to advance from time to time during the year 1948 sums up to $3,000,000 to PGW on open book account, such advances to bear interest at the rate of 6%, and PGW in turn will advance a like amount under similar terms as additional necessary working capital for the operations of the Philadelphia Gas Works, under and as provided in paragraph (3) of Clause 7 of the Operating Agreement.

Declarant has requested the Commission to issue its order permitting the declaration to become effective on or before April 15, 1948.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2692; Filed, Mar. 25, 1948; 8:49 a. m.]

[File No. 812-459]

J. & W. SELIGMAN & CO.

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the city of Washington, D. C. on the 19th day of March A. D. 1948.

Notice is hereby given that J. & W. Seligman & Company (Applicant) has filed an application and a supplement thereto pursuant to sections 6 (c) and 17 (b) of the Investment Company Act of 1940 for an order exempting from the provisions of section 17 (a) (2) of the act any and all future purchases by Applicant from Broad Street Sales Corporation (Broad Street Sales) of Securities issued by Broad Street Investing Corporation (Broad Street) National Investors Corporation (National) and Whitehall Fund, Inc. (Whitehall) Broad Street Sales is a wholly-owned subsidiary of Union Securities Corporation, which is a company of the character described in section 12 (d) (3) (A) and (B) of the act, all of whose outstanding stock is owned in equal parts by Tri-Continental Corporation (Tri-Continental) and Selected Industries Incorporated (Selected Industries) both of which are registered investment companies under the act. Three of the four general partners of Applicant are directors and officers of Tri-Continental Corporation, Selected Industries, Incorporated, Broad Street, National and Whitehall, all of which are registered investment companies under the Investment Company Act of 1940.

Broad Street Sales is the exclusive distributor in the United States and Canada of the capital stocks of Broad Street, National and Whitehall. While under section 17 (a) (1) of the act it is not unlawful for Broad Street Sales to sell securities of Broad Street, National and Whitehall to applicant, under section 17 (a) (2) of the act, applicant (an affiliated person of Tri-Continental and Selected Industries) is prohibited from purchasing securities from Broad Street Sales unless the Commission grants an exemption order under the provisions of section 17 (b) of the act. Applicant proposes to enter into an agreement with Broad Street Sales to purchase, as a dealer, shares of the capital stocks of Broad Street, National and Whitehall on the same terms and subject to the same conditions as other dealers now or hereafter purchase from Broad Street Sales such shares of capital stock. Applicant further proposes that, in the event that the exemption applied for herein is granted, it will file certain reports with the Commission and will not solicit or execute orders involving any diversion from Broad Street Sales or Union Securities of any business which would otherwise have been normally or properly transacted directly by them.

All interested persons are referred to said application which is on file at the Washington, D. C., offices of this Commission for a more detailed statement of the matters of fact and law therein asserted.

Notice is further given that an order granting the application in whole or in part and upon such conditions as the Commission may see fit to impose may be issued by the Commission at any time after April 8, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than April 6, 1948 at 5:30 p. m., e. s. t. submit to the Commission in writing his views or any additional facts bearing upon this application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] ORVAL L. DUBOIS, *Secretary.*

[F. R. Doc. 48-2693; Filed, Mar. 25, 1948; 8:50 a. m.]

[File No. 812-533]

SHAREHOLDERS' TRUST OF BOSTON

NOTICE OF APPLICATION

At a regular session of the Securities and Exchange Commission, held at its offices in the city of Washington, D. C., on the 22d day of March A. D. 1948.

Notice is hereby given that Shareholders' Trust of Boston (Shareholders) has filed an application pursuant to section 6 (c) of the Investment Company Act of 1940 for an order of exemption from certain provisions of section 15 (a) of the act. That section provides in part that it shall be unlawful for any person to serve or act as investment adviser of a registered investment company except pursuant to a written contract approved by the vote of the majority of outstanding voting securities of such registered company.

It appears from the application that Shareholders is a Massachusetts trust, organized on March 13, 1948, and having its principal place of business in the City of Boston. It has registered under the act as a diversified, open-end, management investment company and has filed a registration statement under the Securities Act of 1933 for the proposed sale of its shares to the public. It proposes to execute an investment adviser contract with John P. Chase, Inc., before the

effective date of its registration statement under the Securities Act so that the investment adviser will be in a position to function as soon as reasonably possible after the proceeds of the proposed public offering have been received by the applicant. The contract provides that it shall be presented to security holders for ratification or rejection at a special meeting of applicant's security holders to be held not later than June 15, 1948, and that, if a majority of the then outstanding shares of the applicant are not voted in favor of said contract, said contract shall be terminated forthwith.

The application seeks an order permitting John P. Chase, Inc., to act under the contract until action by security holders approving or disapproving the contract. For a more detailed statement of the matters of fact and law asserted, all persons are referred to said application which is on file at the offices of the Commission in Washington, D. C.

Notice is further given that an order granting the application, in whole or in part and upon such conditions as may be necessary or appropriate, may be issued by the Commission at any time after April 2, 1948, unless prior thereto a hearing upon the application is ordered by the Commission, as provided in Rule N-5 of the rules and regulations promulgated under the act. Any interested person may, not later than March 31, 1948, at 5:30 p. m., submit to the Commission in writing his views or any additional facts bearing upon the application or the desirability of a hearing thereon, or request the Commission in writing that a hearing be held thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C., and should state briefly the nature of the interest of the person submitting such information or requesting a hearing, the reasons for such request, and the issues of fact or law raised by the application which he desires to controvert.

By the Commission.

[SEAL] NELLYE A. THORSEN,
Assistant to the Secretary.

[F. R. Doc. 48-2690; Filed, Mar. 25, 1948; 8:49 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616; E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 10864]

REVEREND GODFREY FROHN

In re: Succession of Reverend Godfrey Frohn. File No. D-28-12135; E. T. sec. 16340.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Mrs. Johann Emonts, Mrs. Anna Assion, Dr. & Mrs. Albert Predeek and Miss Mary Assion, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1 hereof in and to the succession of Reverend Godfrey Frohn, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by the Treasurer of Louisiana, as depositary, acting under the judicial supervision of the Civil District Court, Parish of Orleans, Division A, New Orleans, Louisiana;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2703; Filed, Mar. 25, 1948; 8:46 a. m.]

[Vesting Order 10865]

TANSUI FUJITANI

In re: Rights of Tansui Fujitani under Insurance Contract. File No. D-39-19128-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Tansui Fujitani, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the net proceeds due or to become due under a contract of insurance evidenced by Policy No. 1560-G-Certificate W3362, issued by the John Hancock Mutual Life Insurance Company, Boston, Massachusetts, to Tenryu Fujitani, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2704; Filed, Mar. 25, 1948; 8:47 a. m.]

[Vesting Order 10867]

LINA KESSLER

In re: Estate of Lina Kessler, deceased. File No. 017-23186.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kathe Neunfinger, whose last known address is Germany, is a resident of Germany and a national of a designated enemy country (Germany),

2. That all right, title, interest and claim of any kind or character whatsoever of the person named in subparagraph 1 hereof in and to the estate of Lina Kessler, deceased, is property payable or deliverable to, or claimed by, the aforesaid national of a designated enemy country (Germany),

3. That such property is in the process of administration by the County Treasurer of Sullivan County, New York, as Depositary, acting under the judicial supervision of the Surrogate's Court, Sullivan County, New York;

and it is hereby determined:

4. That to the extent that the person identified in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been

made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 48-2705; Filed, Mar. 25, 1948; 8:47 a. m.]

[Vesting Order 10871]

KOSUMI NAKAI

In re: Rights of Kosumi Nakai under Insurance Contract. File No. F-39-4918-H-1.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Kosumi Nakai, whose last known address is Japan, is a resident of Japan and a national of a designated enemy country (Japan)

2. That the net proceeds due or to become due under a contract of insurance evidenced by policy No. 1,438,077, issued by the Sun Life Assurance Company of Canada, Montreal, Canada, to Nakauemon Nakai, together with the right to demand, receive and collect said net proceeds,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid national of a designated enemy country (Japan)

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Japan)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2706; Filed, Mar. 25, 1948; 8:47 a. m.]

[Vesting Order 10875]

HEDWIG M. WENZEL

In re: Estate of Hedwig M. Wenzel, deceased, and trust created under the will of Hedwig M. Wenzel, deceased. File D-28-4168; E. T. sec. 7565.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Marie Wenzel, Magdalene Wenzel, Franz Wenzel and Ernst Wenzel whose last known address is Germany are residents of Germany and nationals of a designated enemy country (Germany)

2. That all right, title, interest and claim of any kind or character whatsoever of the persons named in subparagraph 1, hereof in and to the Estate of Hedwig M. Wenzel, deceased, and in and to the Trust created under the Will of Hedwig M. Wenzel, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country (Germany)

3. That such property is in the process of administration by Edward S. Clark as Executor and Trustee, acting under the judicial supervision of the Superior Court of California in and for the County of Los Angeles;

and it is hereby determined:

4. That to the extent that the persons named in subparagraph 1 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 12, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

[F. R. Doc. 48-2707; Filed, Mar. 25, 1948; 8:47 a. m.]

[Vesting Order 10891]

GEORG ENDELMANN ET AL.

In re: Interests in real property owned by Georg Endelmann, Marie Thielbeer, Katinka Hinrichs and the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Wilhelm Endelmann, deceased, and of Friedrich Endelmann, deceased.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Georg Endelmann, Marie Thielbeer and Katinka Hinrichs, whose last known addresses are Germany, are residents of Germany and nationals of a designated enemy country (Germany)

2. That the personal representatives, heirs, next of kin, legatees and distributees, names unknown, of Wilhelm Endelmann, deceased, and of Friedrich Endelmann, deceased, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country (Germany)

3. That the property described as follows: All right, title, interest and estate, both legal and equitable, of the persons identified in subparagraphs 1 and 2 hereof in and to real property situated in the Borough of Brooklyn, County of Kings, State of New York, particularly described in Exhibit A, attached hereto and by reference made a part hereof, together with all hereditaments, fixtures, improvements and appurtenances thereto, and any and all claims for rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by, the aforesaid nationals of a designated enemy country (Germany)

and it is hereby determined:

4. That to the extent that the persons identified in subparagraphs 1 and 2 hereof are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraph 3 hereof, to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 15, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director
Office of Alien Property.

EXHIBIT A

All that certain plot, piece or parcel of land, situate, lying and being and being in the Borough of Brooklyn, County of Kings, City and State of New York, bounded and described as follows:

Beginning at a point on the easterly side of East Seventh Street distant 180 feet southerly from the corner formed by the intersection of the easterly side of East Seventh Street and the southerly side of Avenue C; running thence easterly parallel with Avenue C 120 feet 6 inches to the center line of the block; thence southerly parallel with East Seventh Street and along the center line of the block 40 feet; thence westerly parallel with Avenue C 120 feet 6 inches to the easterly side of East Seventh Street; thence northerly along the easterly side of East Seventh Street 40 feet to the point or place of beginning.

Together with all the right, title and interest of, in and to East Seventh Street, lying in front of and adjoining said premises to the center line thereof.

[F. R. Doc. 48-2676; Filed, Mar. 24, 1948; 8:56 a. m.]

[Vesting Order 10907]

CARL ANTON SCHMEUSSER

In re: Debt owing to and bank accounts and interests in oil, gas and other minerals in certain lands owned by Carl Anton Schmeusser, also known as Carl Schmeusser and as Carl A. Schmeusser.

Under the authority of the Trading With the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Carl Anton Schmeusser, also known as Carl Schmeusser and as Carl A. Schmeusser, whose last known address is (14a) Donzdorf, Wuerttemberg, Germany, is a resident of Germany and a national of a designated enemy country (Germany)

2. That the property described as follows:

a. That certain debt or other obligation owing to Carl Anton Schmeusser, also known as Carl Schmeusser and as Carl A. Schmeusser, by Chas. H. Garnett, 608 Hales Building, Oklahoma City, Oklahoma, in the amount of $3,161.78, as of February 14, 1947, together with any and all accruals thereto and any and all rights to demand, enforce and collect the same,

b. That certain debt or other obligation of The Fidelity National Bank, Oklahoma City, Oklahoma, arising out of a checking account entitled Alfred G. Bohning or by Carl Schmeusser, and any and all rights to demand, enforce and collect the same,

c. That certain debt or other obligation of Seamen's Bank for Savings in the City of New York, 74 Wall Street, New York, New York, arising out of a savings account, Account Number 1,126,675, entitled Alfred G. Bohning in trust for Carl A. Schmeusser, and any and all rights to demand, enforce and collect the same,

d. An undivided one-half interest in and to all of the oil, gas and other minerals in and under and that may be produced from the lands situated in McClain County, State of Oklahoma, particularly described in Exhibit A, attached hereto and by reference made a part hereof, which interest was conveyed to Alfred G. Bohning (who received same for and on behalf of Carl Anton Schmeusser, also known as Carl Schmeusser and as Carl A. Schmeusser) by Karl Fred Schmeusser and Anna Schmeusser by instrument executed October 21, 1940 and recorded in the Office of the County Clerk of McClain County, State of Oklahoma on October 21, 1940 in Book 125 at page 386, together with any and all claims for royalties, rents, refunds, benefits or other payments arising from the ownership of such property, and

e. An undivided three-eighths interest in and to all of the oil, gas and other minerals in and under and that may be produced from the following described lands situated in McClain County, State of Oklahoma, to wit:

The West Half of the Northwest Quarter (W½NW¼) of Section Thirty-five (35) Township Nine (9) North Range Four (4) West, which interest was conveyed to Alfred G. Bohning (who received same for and on behalf of Carl Anton Schmeusser, also known as Carl Schmeusser and as Carl A. Schmeusser) by Karl Fred Schmeusser and Anna Schmeusser by instrument executed October 21, 1940 and recorded in the Office of the County Clerk of McClain County, State of Oklahoma on October 21, 1940 in Book 125 at page 386, together with any and all claims for royalties, rents, refunds, benefits or other payments arising from the ownership of such property,

is property within the United States owned or controlled by, payable or deliverable to, held on behalf of or on account of, or owing to, or which is evidence of ownership or control by Carl Anton Schmeusser, also known as Carl Schmeusser and as Carl A. Schmeusser, the aforesaid national of a designated enemy country (Germany),

and it is hereby determined:

3. That to the extent that the person named in subparagraph 1 hereof is not within a designated enemy country, the national interest of the United States requires that such person be treated as a national of a designated enemy country (Germany)

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-a, 2-b and 2-c hereof, and

There is hereby vested in the Attorney General of the United States the property described in subparagraphs 2-d and 2-e hereof, subject to recorded liens, encumbrances and other rights of record held by or for persons who are not nationals of designated enemy countries, except, however, that this vesting shall not be subject to any rights which may be asserted by the aforesaid Alfred G. Bohning, the grantee named in the deed of conveyance referred to in subparagraphs 2-d and 2-e hereof,

All such property so vested to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on March 15, 1948.

For the Attorney General.

[SEAL] HAROLD I. BAYNTON,
Deputy Director,
Office of Alien Property.

EXHIBIT A

The Southwest Quarter of the Southeast Quarter (SW¼SE¼) and the North Half of the Southeast Quarter of the Southeast Quarter (N½SE¼SE¼) of Section Twenty-seven (27),

The Southeast Quarter of the Northwest Quarter (SE¼NW¼), the Southeast Quarter of the Northeast Quarter of the Northwest Quarter (SE¼NE¼NW¼), the East Half of the Northeast Quarter of the Northeast Quarter of the Northwest Quarter (E½NE¼NE¼NW¼), the East Half of the East Half of the Southwest Quarter (E½E½SW¼), the Northwest Quarter of the Northeast Quarter of the Southwest Quarter (NW¼NE¼SW¼), the West Half of the West Half of the Southeast Quarter (W½W½SE¼), the Southeast Quarter of the Southwest Quarter of the Southeast Quarter (SE¼SW¼SE¼), the Southeast Quarter of the Southeast Quarter (SE¼SE¼), the Southeast Quarter of the Northeast Quarter of the Southeast Quarter (SE¼NE¼SE¼) and the Southwest Quarter of the Southwest Quarter of the Northeast Quarter (SW¼SW¼NE¼) of Section Thirty-four (34),

The Southeast Quarter of the Northwest Quarter (SE¼NW¼), the East Half of the Northeast Quarter of the Southwest Quarter (E½NE¼SW¼) and the North Half of the Southeast Quarter (N½SE¼) of Section Thirty-five (35),

All in Township Nine (9) North Range Four (4) West in McClain County, State of Oklahoma.

[F. R. Doc. 48-2677; Filed, Mar. 24, 1948; 8:56 a. m.]